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THE FORMER PART EMBRACING,

I. The general principles of human nature considered as a subject of moral science.

II. The principles of ethics, or the moral relations and duties of men.

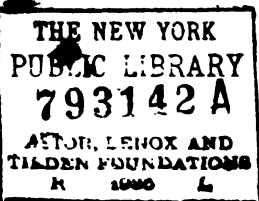
III. The principles of natural theology.

IV. And lastly, those of economics, or family relations, as preparatory to the consideration of the relations and duties of civil and political life.

- I. The rules which ought to regulate the conduct of men towards one another in a state of civil society, and the means of enforcing those rules.
- II. The rules and principles which give the form to the society or government itself, and which direct its operations.
- III. And finally, the rules which should govern the conduct of independent governments or states towards one another, which comprehending these general principles on the subjects of jurisprudence, politics, and public law, or the law of nature and nations, with which every man of liberal information in a free country ought to be acquainted.

IN TWO VOLUMES:
VOLUME I.

1812.



DISTRICT OF NEW-JERSEY, 88.

BE IT REMEMBERED, That on the twenty-ninth day of August, in the thirty-seventh year of the independence of the United States of America, Samuel Stanhope Smith, of the said district, hath deposited in this office the title of a book, the right whereof he claims as author, in the words following, to wit: "The Lectures, corrected and improved, which have been delivered for a series of years in the college of New-Jersey, on the subjects of moral and political philosophy, by the Rev. Samuel Stanhope Smith, D. D. L. L. D. The former part embracing, 1st, The general principles of human nature considered as a subject of moral science. 2d, The principles of ethics, or the moral relations and duties of men. 3d, The principles of natural theology. 4th, And lastly, Those of economics, or family relations, as preparatory to the consideration of the relations and duties of civil and political life. The latter part embracing, 1st, The rules which ought to regulate the conduct of men towards one another in a state of civil society, and the means of enforcing these rules. 2d, The rules and principles which give the form to the society or government itself, and which direct its operations. 3d, And finally, The rules which should govern the conduct of independent governments or states to one another—the whole comprehending those general principles on the subjects of jurisprudence, politics, and public law, or the law of nature and nations, with which every man of liberal information in a free country ought to be acquainted.—In conformity to the act of the congress of the United States entitled "An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the times therein mentioned," and also an act entitled "An act supplementary to an act entitled an act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the time therein mentioned, and extending the benefit thereof to the arts of designing, engraving and etching historical and other prints."

ROBERT BOGGS,

Clerk of the District of N. Jersey.

LECTURES, &c.



LECTURE I.



INTRODUCTORY.

Philosophy, its nature and design—Divided into two branches—In all its investigations necessary to pursue the method of analysis—A law of nature, what?—Of the mutual influence of the body and the mind—The necessity of enquiring if human nature be one, or consists of different species—The same rules of philosophizing to be observed in moral as in natural philosophy—The importance of the science—Its difficulties, and the cause of them.

PHILOSOPHY is an investigation of the constitution and laws of nature, both in the physical and moral world, as far as the powers of the human mind, unaided by the lights of revelation, are competent to discover them. In this enquiry we can proceed, with any reasonable prospect of arriving at truth, only by a careful and extensive induction of facts, whence we may hope ultimately, to attain to some acquaintance with the principles

B

ples and causes of things. In the physical world, a minute and patient observation of the phenomena of nature, and, in the moral world, of the conduct of men, individually, and in their various social relations, is the only method by which we can gain any certain knowledge of their constitution, or of the springs and laws of their action respectively. We are, evidently, not endued with powers by which we can immediately inspect their essence, and discern their intimate structure, and thence be able, antecedently to experience, to anticipate the effects of their action, either singly, or in any possible combination. In order to understand the works of an infinite mind, and to draw from them any useful information, a being so limited in his capacities as man, should be contented simply to observe their effects with attention, and carefully to remark how those effects are varied in different situations and connexions, whence only we can form general rules concerning their operation in all similar and analogous cases. The wisdom of modern science has justly excluded from philosophy all hypotheses, by which the operations of nature are attempted to be conjecturally explained. Indeed, when a mind so feeble in its powers, and circumscribed in its views, as that of man, attempts to explain by conjecture the infinite plans of the Deity, or to unfold *a priori*, as it is called in the language of the schools, the phenomena that result from their in-

scrutable structure, it is perhaps impossible that it should not err, or that it should approach even near the truth. —Let hypothesis have antecedently formed its conjecture on any phenomenon in nature, with which experiment has since made the philosopher in some degree acquainted; as, for example, on the manner in which the eye perceives objects by the rays of the sun; or on the laws of that spark which we elicit by friction from a cylinder of glass; no man can doubt but that, before the principles of optics were discovered, and the structure of the eye laid open by anatomical dissection; or before the science of electricity was explained, ten thousand conjectures might have been framed, and all should have been almost infinitely and equally distant from the actual fact. Experience, therefore, and a diligent and attentive observation of the course of nature, and of the actions of mankind in every variety of situation in which they may be placed, is the only legitimate mean of attaining a competent knowledge of the laws of either the material, or the moral world. But when experience has once conducted us from effects up to their causes, we may, in analogous cases, be reconducted by the same means, from causes with which we have become acquainted, to the effects which may be expected in known situations, to result from them. For such conclusions, the constancy observed in nature affords us just grounds. We are taught by ex-

perience to expect a perfect uniformity of action in each cause, when placed precisely in the same circumstances ; and from similar causes, in resembling situations, to look for similar effects. This tendency to uniform results we impute to some power in the cause, which, being essential to it, and belonging to its very constitution, will always operate in the same way, when not vitiated from within, or obstructed by some obstacle from without. We pronounce it to be a necessary consequence of a law of nature ; and the regularity of action which obtains throughout all parts of the universal system, we ascribe to the uniform operation of established laws.—It is on this ground that we study human nature in our own hearts ; and that history may be regarded as a volume of moral experiment.

Philosophy is divided into two great branches,—the natural and the moral. Nature, taken in its utmost extent, embraces the whole compass of things in the universe, whether corporeal or spiritual, physical or moral. But, in this division of the science, natural philosophy consists in an investigation of the constitution and laws of body ; moral philosophy in an investigation of the constitution and laws of mind, especially as it is endued with the power of voluntary action, and is susceptible of the sentiments of duty and obligation. Its chief end is to ascertain the principles, and the rule of duty, and to

regulate conduct, both in our individual capacities, and in our social relations, whether domestic or civil. This is the object of our present enquiries. But in order to attain this end in any considerable degree of perfection, it will be necessary to enter into many important disquisitions concerning the constituent principles, the natural tendencies, and the moral relations of that sensible, rational, and moral being, who is the subject of duty.

In the universe there may be many orders of spirit, as there are many modifications of matter. We are, however, acquainted with two only; God, and the human soul. And our knowledge of the former, which must necessarily be extremely imperfect, from the infinite distance at which we are placed from him, must be derived principally from our knowledge of the latter. But, although our conceptions of the divine mind must be far from reaching the perfection of his nature, it is important that, as far as the weakness of man is capable of comprehending the infinity of God, the ideas which we frame of him should be consistent with truth. For, the duty of all rational beings must have a reference to his will. And our nature having been formed by his almighty power, can then only be perfect, when it is evidently conformed to his design in our creation.

The science of moral philosophy, therefore, begins in the study of the human mind—its sensations, perceptions,

and generally, its means of acquiring knowledge—its sentiments, dispositions and affections, and generally, its principles of action or enjoyment—its present state, and relations to other beings—its future hopes and fears. From an attentive examination of its various principles and powers, and from carefully remarking their operations either singly, or in combination with others, we may at length form a rational judgment of what man was intended, by his creator, to be, and thence deduce the law of his duty.

In this investigation, as has already been suggested, it is necessary to follow the method of analysis, and to reason from particular facts, collected by extensive and careful observation, to the general laws of the human mind. It occurs here as a natural enquiry, what is a *law* of nature? And, by what process are its laws to be collected?—The essential nature of things in which the laws of their action are founded, it has been already acknowledged, cannot be intuitively known to the weakness of the human understanding. But their laws, as far as is requisite for the purposes of science, may be understood from a less perfect knowledge. The uniformity of a multitude of facts, arising from the action of any subject, indicates some principle or power in that subject, which, tho' unknown in its essence, we conclude, from our experience of the constancy of nature, will, in similar cir-

circumstances, always operate in the same way. This uniformity of effect, or rather, perhaps, the unknown but constant cause on which it depends, is denominated a *law of nature*. And the several classes of uniformities, which science has discovered in the system of the universe, are consequently ascribed to so many natural laws.* And when any fact or phenomenon occurs to our observation, it is said to be accounted for, or explained, as far as the human intellect is capable of explaining, or accounting for it, when it can be referred to some common and known class of similar facts.

This observation may be illustrated by a familiar example. The electric fluid, like all the other principles of nature, is, in its essence, unknown. But the uniform effects resulting from it, in a vast variety of situations, are now well understood from repeated experiment. They are therefore denominated the laws of electricity. We wish then to explain the phenomenon of lightning. And by applying to it the same tests as to the principle of electricity, with the effects of which we are better acquainted, we find precisely the same results. We esteem it, therefore, accounted for, as far as human sagacity

* For instance, the uniformities which we observe in magnetism, in the refractions of light, or in the passions and emotions of the human heart under the various circumstances naturally calculated to excite them, are called the laws of magnetism, of refraction, &c.

can explain it, not by revealing its essential nature, which is inscrutable, but simply by referring it to the class of electric phenomena.

In the moral world, when we perceive, in all nations, that a bare inspection of the works of nature has led mankind to the acknowledgment of a Supreme Power which presides over the order of the whole, we justly infer that the belief of the existence of God is to be ascribed to an original law of our rational and moral nature. The parental affection, in like manner, and the social inclinations of our nature, which, in all nations and ages, and in similar circumstances, we see operating with great uniformity, we pronounce to be natural laws of our being.

Many resembling facts, therefore, indicate a law of nature. If any new fact, with which we have not before been acquainted, occurs to our observation, if it is found, in its properties, to coincide with any class of phenomena already known, it is supposed to be accounted for by referring it to that class. Otherwise it is called a solitary fact, which, of course, is left open to future enquiry.

Thus, in the moral, as in the natural world, by an attentive induction of facts, that is, by observing the operations of the human mind in every variety of situation in which it may be placed, in solitude, or in society, in prosperity, or in adversity, in its various relations,

to our creator, or our fellow men, or in positions in which all the passions may be successively called into action, which observation may, with propriety, be stiled moral experiment, we arrive at length, at a knowledge of the laws of our moral nature.

The mind of man being intimately united with a corporeal system, receiving all its original informations, through the organs of the senses, and being in all its perceptions and emotions affected by the state of the body, this union is not to be neglected in the study of the mind. On the other hand, the reciprocal influences of these great component parts of human nature ought carefully to be regarded, that, both in our moral and physical studies, we may be able to discriminate the effects of their mutual action. By this means many false, and visionary notions which have sometimes mingled themselves with both morals and religion might be corrected. And superstition, particularly, which derives its gloomy, or fantastic reveries chiefly from certain bodily impressions,* would lose its principal hold upon a weak imagination.

In entering on this science it will be requisite to examine if human nature be radically one under all the

* Of this some examples will hereafter be given in the 7th lecture.

various appearances which it exhibits in different portions of the globe; or if, according to the opinion of certain philosophers, it is divided into different species which, in many points, possess only a faint resemblance of one another. If the human race is to be regarded as an assemblage of different species, that course of moral experiment, which has been already recommended as the necessary mean of perfecting the science, would be fruitless. No certain and universal theory of duty could result from it. The laws of moral conduct, which we might collect from the most careful examination of our own nature, could not be applied with truth to those tribes of men who should be of foreign species. Not only would the principles of morals and religion deduced from human nature, as it exists at present in any nation, be different from those of every other people, but, at any future period in the same nation, by reason of the infinite migrations and mixtures of mankind, all past experience might be rendered uncertain, and all rules confounded, in proportion as the several races should be intermixed and blended. On the other hand, if the whole family of mankind be found to be radically one, notwithstanding the various external appearances under which it is presented to us in different climates, the same general laws of duty may be applied to them all, subject only to such modifications as shall be found to arise out of their re-

spective states of society, or the divers of their mutual relations.

In the philosophy of man the same rules ought to be observed which have been followed in natural philosophy ever since the age of the great Newton, with so much advantage to the science.

1. "That no law should be admitted on hypothesis but should rest solely on an induction of facts." Some reasons for this rule have been already assigned; particularly the feebleness of the human mind, and the contracted sphere within which its observation is necessarily limited. It is but lately since the science of moral philosophy has been freed from the disgrace and embarrassment of hypothesis at its very entrance, in its enquiry concerning the manner in which we become acquainted with external objects by sensation. It was first laid down as a principle, that no material being can act where it is not. The question then arose how we perceive objects at a distance? To solve this difficulty recourse was had to the following hypothesis;—that every sensible object is continually emitting from its own body some images of itself in every direction, which the ancient philosophers denominated *ideas*, or *sensible species*, and that these aerial, gaseous, or almost spiritual images impinging upon the organ of sense communicated, by that

impulse, a perception of their subject; or rather a ground of inferring its existence, from the vivacity of the impression. Such was the doctrine of Aristotle, and from him of the whole peripatetic school. And there are some vestiges of it even in the philosophy of Locke, of which Berkeley and Hume availing themselves denied the existence of the material subject altogether, as being wholly unnecessary.* But let the mind be relieved from the philosophic delirium of hypothesis, and form her judgments on experience and fact, interpreted by plain common sense, and we must pronounce a totally different decision. Whatever medium, in the opinion of these philosophers, nature may employ to connect the object with the organ of sense, whether image, or idea, or any other sensible phantasm, it is, beyond a doubt, the object itself, not its idea, which is discerned by the sense, any image or phantasm in the case, being either unknown, or unper-

* If, say they, according to the peripatetic hypothesis, or the metaphysic of Locke, the principles of which were generally acknowledged in the time of these philosophers, it be only the images or ideas of objects that we perceive, and not the objects themselves, what ground can there be to infer their existence? Ideas, it is confessed, may be impressed on a lively imagination without the presence of any external substance. And, agreeably to the scheme of Mr Hume, the vivacity of the idea is the only criterion of truth. The reality of the material world, therefore, perishes by the fairest inference, since, according to the confession of its friends, it is not the object of our perceptions.

ceived, and at the time wholly unthought of. An idea is merely a conception of the fancy, or the reminiscence of an absent object.

2. Another rule is, "that laws collected from an ample and accurate induction of facts should be deemed universal, till other facts occur to invalidate, or limit the conclusions which have been drawn from them."—Unless we could rely on this rule, the progress of science would be arrested almost at its commencement. Few are the conclusions which we could frame if it required a knowledge of facts strictly universal before we could admit a general consequence from induction. And the known analogy of nature is a sufficient and satisfactory ground of those general inferences embraced within the rule. On this foundation solely we build our knowledge of the constituent principles of human nature, the laws both of physical and moral action in man, and the acknowledged maxims of society, domestic and civil.

3. In the third place, "laws founded on a partial induction of facts should not be extended beyond the limits to which they are certainly known to apply."—The neglect of this rule is one of the principal causes of national antipathies, and of the bigotry of religious sects. From a few facts imperfectly observed a rash and unfair judgment is pronounced on a whole party, or a whole

nation. With the same confident precipitancy have we sometimes heard the natives of Africa, who have been contemplated only in a state of savagism or of slavery, pronounced to be destitute of the best faculties of human nature; and the American continent judged to be unfriendly equally to corporeal vigor, and to mental talent. It is a rule, especially, by which we should rigorously examine the narratives of travellers, and of those writers who profess to exhibit comparative estimates of the characters of foreign nations, so seldom have they an opportunity of observing the interior of their manners; and so much more rarely do they possess the talent necessary to trace the causes of what they observe with philosophic accuracy, or the inclination to represent them with candor.

4. A fourth rule is, "that similar appearances should, because of the uniformity of nature, be referred, as far as possible, to the same causes."—On this rule we interpret the actions of men in all their various relations in different portions of the globe; and we find them to be the same as fathers, brothers, sons, as the members of a family, or of civil society.—We discern but one race throughout the whole.—To take another example from a peculiar department of our nature.—The belief of spectres, of the feats of witchcraft, and magic, and of those little tricky, or mischievous spirits, which are

found among the traditionary tales of the vulgar in most of the modern countries in Europe, ought to be ascribed to the same principle, the force of a timid and ardent imagination unregulated by the science of nature, which anciently filled Egypt with magicians, and Assyria with soothsayers, and peopled the hills, the streams, and the skies of Greece with the objects of a superstitious veneration.

5. The last rule which I mention is, "that the testimony of our senses, and of all our simple perceptions, ought to be admitted as true, and no ulterior evidence be required of the reality, or the nature of the facts which they confirm."—The informations of the senses are intended to be ultimate. They are perfectly simple, and cannot, by any artifice of language, be rendered more obvious or clear. They are the first elements of our knowledge; and the only acquaintance which we can have with the nature of their objects is conveyed in the impression which they make upon the organ of perception.—This rule is of the more importance, because philosophers, of no inferior name, have appeared in modern times, as well as in the earlier ages of science, who have denied the certainty of our senses, and have reasoned concerning their operations with such excessive subtlety as to confound the most obvious and natural consequences resulting from their informations. While they

have filled the rational and intellectual sphere with images, ideas, and sensible species, and other such shadowy forms as substitutes for a material world, they have utterly denied the reality of body. Others carrying their temerity still farther, have denied the reality both of body and spirit ; and have equally reduced the physical and the moral world to a mere train of fugitive, and unsubstantial ideas.

The object of the science of moral philosophy, as it is designed to be treated in this system, is not so much a minute and extensive detail of particular duties, which, from their multitude, and the innumerable modifications to which they are subject from the ever varying state of society, and the mutable situations and connexions in which men may be placed, would be too voluminous, as to propose such general *principles* as may enable a rational and reflecting mind to deduce the point of duty for itself, on every case as it arrises in practice.

It is, manifestly, a science of primary dignity and importance, as it is intended to unfold the principles of human nature, and bring us more intimately acquainted with man, who is evidently the first object which deserves our consideration in this world, and for whom the world seems chiefly to have been formed. Thence it proceeds to investigate the laws of morality and duty in the various relations of life, and to cultivate the heart to virtue,

which gives the supreme value to this, and to every science. Man it contemplates in his different powers and principles of action,—it considers him in his social capacities, as a member of a family,—as associated in a political community,—as a subject of civil government,—as a citizen of the world. It unfolds his infinitely important relations to the Deity; and endeavors to open his view on those immortal hopes which give the chief, if not the only value to rational existence, and add the greatest force to the obligations of duty and virtue.—The dignity and happiness of individuals, the prosperity of states, and the order and happiness of the world, are intimately connected with the practical knowledge of those truths at the cultivation and improvement of which this science aims. And, from the commencement of learning, it has occupied the profoundest attention and enquiry of the philosophic part of mankind in every age.

At the first view of this subject we are naturally inclined to conceive that the science of morals must be as clear and definite in its principles, and as obvious and certain in its conclusions, as they are important to the best interests of mankind. It seems not unreasonable to expect that the foundations of duty should be laid open even to a slight attention of the inquisitive mind. Yet, it is certain that no science has been embarrassed with greater,

or more numerous controversies. To this effect various causes have contributed their influence. Not only is it liable to obscurity and doubt, in common with other sciences, arising from the imbecility of human reason, from the love of hypothesis, and the vanity of system, from the difficulty of distinguishing many of the nicer operations of our own minds, and often from defect of patience and attention in examining and discriminating the subjects and the facts presented in it to our observation ; but it is exposed to causes of peculiar obscurity and mistake arising from the general depravity and corruption of human nature. To whatever source that corruption may have been imputed by various writers, there can be no doubt of its existence. The disorders of the world attest it ; and every man perceives its principles, more or less powerfully, operating in his own heart. When incorporated by habit, into the moral state and affections of the soul, it must necessarily impart, in the same proportion, a false bias in judging of the general principles of the moral law ; and especially of those particular details of the law which come most immediately in collision with the passions and manners of the individual.

Perhaps no philosopher has his judgment wholly exempted from some bias to modify the practical precepts of the moral law, according to his own peculiar character and habits, which cannot be done without extending

in the same degree, an oblique influence to the theory of morals. It is, however, the sincere aim, and the gradual tendency of true philosophy to correct the errors of prejudice, and to dissipate the mists that shed themselves over the mind, in consequence of the prevalence of any dominant affection or passion. Much may be effected by candid, patient, and dispassionate enquiry in accomplishing this desirable end. It may be presumption to expect to arrive at truth on all the subjects of our research with complete and unhesitating conviction; on many, perhaps, we ought to rest satisfied with only probable evidence; yet, we ought ever to bear it in mind that, in our philosophical enquiries, we have as much reason to avoid the dangers of a weak and suspicious scepticism, as of a bold and positive dogmatism.

LECTURE II.

CONTENTS.

Topics to be treated of in examining the principles of human nature.—The principal distinctions between the form and figure of man and that of other animals.—The distinctions which subsist between the various tribes of mankind consistent with the identity of the species, the ascertaining of which is necessary to a just philosophy of human nature.—The causes of their varieties reducible to the heads of climate—the state of society—and manner of living.—Illustrations of each of these, particularly in the complexion,—the hair,—and some peculiarities in the feature, and limbs.—The effect of moral and intellectual causes, especially on the form of the bones of the head.

BEFORE we contemplate man as an individual, and examine the constituent principles of his nature, I shall first take a comparative view of him in relation to the other species of animals upon this earth among which he evidently holds the first rank; and enter on the important and necessary inquiry concerning the identity of the human race.—I shall next consider his prolific powers; or his faculties of continuing and multiplying his species;

with some reflections on the best means of augmenting the numbers of mankind, with reference, particularly, to the population of states.—I shall take a view of him, in the third place, as a social being, pointing out the respective forms of association under which the race is disposed to collect itself, so different from those in which other gregarious animals are found to assemble.—And, lastly, I shall consider his capacities of improvement, in which he so far transcends every other species of animals; under which head shall be embraced the structure of language, the invention of arts, and the origin and progress of science.

Man is distinguished from all the other inhabitants of this globe by the erectness of his form, by a noble and commanding expression of countenance, and by an infinite number of muscles and articulations in the structure of his limbs, which adapt them to an infinitely greater variety of easy movements, and useful purposes, than those of any other animal, particularly in the nicer operations of the arts, without which they could neither have been practised, nor invented. The erectness of his figure has been supposed, by some philosophers, to be the result of education, and to have grown into fashion in the progress of social refinement, rather than to have been the natural consequence of his original formation. But the whimsical speculations of a few philosophers,

who have chosen to depart so far from the opinions of mankind concerning man's primitive state, have been so fantastic as hardly to merit refutation, and have hitherto attracted on themselves more ridicule for their folly, than reputation for their ingenuity.* The erect posture is evidently the most natural to man after the imbecility of childhood is past; and anatomists profess to demonstrate that the figure of his limbs, and all the articulations of his joints, were formed only for that position.

The expression of the human countenance, in the next place, is incomparably more various than that of any other animal. Such is the mysterious union and sympathy between the body and the soul, that there is not an emotion or thought which passes through the mind that does not paint some image of itself on the fine and delicate lines of the countenance. Expression, in a low degree, belongs to other animals. We see them brighten with joy, and gambol with pleasure; they languish in sickness, and writhe with pain. Their eyes sparkle with

* Among the most ridiculous of those opinions, perhaps, is that which supposes man to have been originally an inhabitant of the ocean, and that, after frequently crawling on shore to gather provision, and to bask in the sun, like the sea calf, his shoulder fins, at length, extended into arms, and those of the tail into legs and feet.—*Porter on the original state of man.* Lord Monboddo's centaurs certainly did not depart so far from truth and nature.

love, or flash with rage; and sometimes the tear of distress is seen to roll down their cheeks. To animals of their own species their powers of expression, both by their looks, and, especially, by their tones, must, doubtless, be much greater than can be discerned by man, who possesses so little knowledge of those natural signs by which they communicate their wants, or their pleasures, to one another, and so little sympathy with their internal feelings. But, in the delicate and flexible human countenance there is hardly the slightest movement of the soul which has not its external character or symbol; so that the language of looks and gestures is commonly more impressive, and often carries in it greater truth, than that of words. The analysis of mute expression has been known anciently to be carried to a high degree of perfection; and is said to be, in many countries, at present, not unsuccessfully studied. Almost all critics since the age of Cicero have taken notice of a friendly and liberal contention between him and Roscius, to try which of them could express a sentiment with the greatest variety and force, the one by words, or the other by action.—The natural powers of expression in the human countenance are, however, greatly influenced by the existing state of society, and are along with the refinement of its manners, susceptible of extraordinary degrees of cultivation. That dull and inflexible gloom and vacancy of

countenance which distinguishes savage life, is the necessary consequence of vacuity of thought. But the variety of ideas and emotions continually arising in polished society, communicates to the countenance a habit of quick and various flexibility, which renders it capable of painting suddenly upon the features every thought that passes through the mind.—But as society again degenerates into vicious refinement, and multiplies the objects of the passions, it encreases also the number of those emotions which men find it prudent to disguise or conceal. Here, in consequence, the variety of natural expression requires to be subjected to considerable restraints. And fashion, in which there is little sincerity, undertaking to prescribe all the forms which regulate the intercourse of men, a tasteless, and insipid uniformity of complaisance is spread over the face of society; and the power of natural, but of diversified, expression, is confined to scenes of strong and irresistible emotion, chiefly of joy, or grief, and to the art of the mimic.

The human frame, in its various members, and in the symmetry of the whole, exhibits remarkably pleasing and elegant proportions; and the exquisite adaptation of its articulations and muscles to an infinite variety of delicate and useful operations, plainly indicates the intention of the creator to assist the invention and cultiva-

tion of all the arts which contribute either to the necessary purposes of life, or to convenience and ornament.

The eminent advantages of our nature above that of other animals seem, on a superficial view, and on first impression, to be balanced by proportional disadvantages in its original imbecility, its innumerable wants, and its long dependence upon the care of parents, evils to which the young of those animals seem not to be equally exposed. Yet, a closer inspection will demonstrate, on the other hand, that these apparent disadvantages contribute eventually to the felicity and perfection of human nature. Do not the nakedness and softness of his skin, and the extreme delicacy of his organization, promote the fineness and softness of his feelings, and the quickness of his perceptions; just as the finest chords vibrate to the gentlest pulses of the air, and emit the sweetest sounds? Do not his wants quicken his ingenuity, and the poignancy of all his sensations tend to awaken his moral sensibilities, and to aid the transition of his benevolent sympathies? And, finally, does not his long dependence upon the care of parents, and the tedious period of their solitudes and pains, contribute to strengthen the reciprocal ties, and sweeten the mutual endearments, of the domestic affections, and thereby lay the firmest foundations of the order and happiness of civil society?—What seemed at first, therefore, to be a peculiar disadvantage

on the side of human nature, is discovered, on more mature reflection, to be a mean of carrying its faculties eventually to the highest pitch of improvement, and building on their improvement, the felicity of mankind. By this order of things, as will, hereafter, be more particularly seen, our beneficent creator has evidently intended to promote both the intellectual powers, and the virtuous habits and affections of the species.

One important distinction of the human from all other animal natures requires to be treated of at greater extent. The peculiar fineness and delicacy of its organization render it easily susceptible of impression, and consequently of considerable varieties in its appearance, from the action of many external causes; while, at the same time, the flexibility of the human system is such as to enable it to endure these changes without materially injuring the principle of life. The residence of most animals is circumscribed within narrower limits upon the globe than that of man. Those which are found in greatest perfection in the torrid latitudes, can hardly exist within the regions of extreme cold; and the reverse takes place in those animals which seem designed by their nature for the colder climes. Man is capable of enduring the temperature of every climate. His complexion and figure suffer considerable changes by its action, in conjunction with other causes, particularly his various

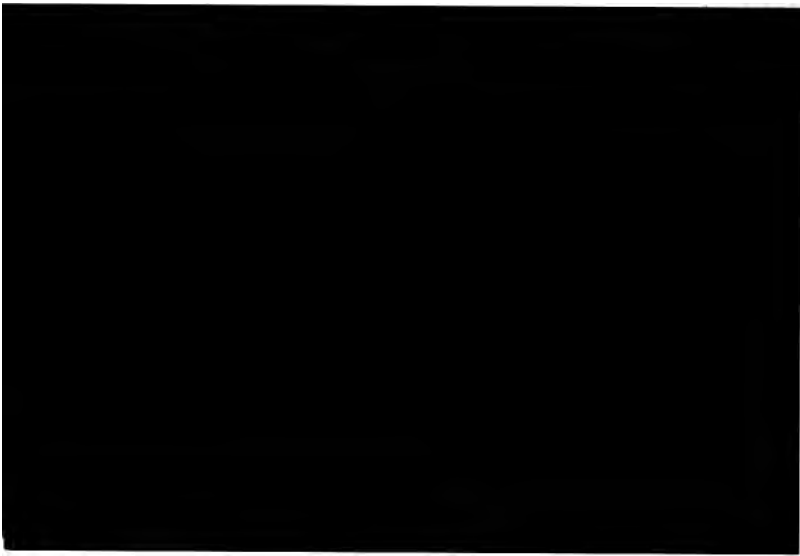
modes of living, and the various states of society in which he exists; but the essential principles of his nature appear, under every change, to remain the same. The discussion of this question will form the chief subject of the remaining part of this lecture.

I have already suggested the necessity of establishing the unity of the human species, in order to the universal application of the science of morals, either to regulate, or to form a just judgment of the conduct of men in different states of society. For this purpose it may be laid down as a maxim, that, if the varieties in form and aspect which exist among mankind in different regions of the globe, can be accounted for from the operation of known physical or moral causes, on the supposition of the original identity of the race, it will be contrary to the genuine rules of philosophy, and the acknowledged simplicity of nature, to seek for the ground of these differences in an original diversity of species.

It will be necessary, for this end, to pass under review the principal varieties in the aspect of mankind, which are found to exist in different portions of the earth, and to explain them, if possible, by the action of natural and known causes; presuming that, if the most important can be thus explained, all inferior differences may be more certainly accounted for on the same, or on

similar grounds.—Having already, in a separate work, treated this subject more extensively than would be justifiable in this place, I shall here content myself with a very brief, and general summary of facts and reasonings, which will there be found exhibited with greater minuteness of detail.

The principal varieties which distinguish different portions of the human race from one another, may be ranged under the heads of stature, of corpulency, of complexion, of hair, of features, and of the figure of particular limbs. A few only of these I shall select for the sake of illustration. The color of the inhabitants of the torrid zone is generally black, modified, however, by various circumstances, such as the elevation of mountains, or the vicinity of seas. A lighter shade of the same color prevails within the regions of extreme cold, bounded generally by the arctic circle. Below this limit, as we descend to the south, we find, in the highest temperate latitudes, the



themselves with more regularity, and with greater softness, under a mild and temperate sky, and in a refined and cultivated state of society, not yet corrupted by luxury. The Tartar is distinguished by the elevation of the cheek, and depression of the nose; and the tropical African adds to the deformity of this feature a remarkable flatness and expansion of the nostrils, and protrusion of the lips. The hair of all dark colored nations is generally black. But, in the negro, it is also crisped like wool, and curled in a close nap to the head. With regard to the figure of particular limbs, it will be sufficient to remark, that the head of the north eastern Asiatic, and Esquimaux is larger, the neck shorter, and the feet and hands smaller in proportion to their stature, than the same limbs in Europeans, the southern Asiatics, or the Anglo-Americans. The legs of the Tartar are short and bowed, and those of the African negro generally gibbous. Many other peculiarities have been related concerning the eyes, the ears, the breasts of females, and other parts of the body, in different nations, which hardly deserve to be mentioned. The minuter shades of difference, by which the various tribes of mankind gradually approach, or recede from one another, in their physical appearance, it would be an unnecessary labor to detail; for, if a satisfactory solution can be given of the principal distinctions which subsist among them, an intelligent mind

will readily apply a similar train of reasoning to explain the rest.

The general causes, then, after which we are enquiring, may be reduced, I presume, to the following heads—climate—the manner of living, and the state of society. By climate is meant principally, the degree of heat, or cold, which prevails in any region, with such other influences in the earth or atmosphere, as immediately result from these; which are usually proportioned to the distance of any place from the sun. Latitude, however, is not an exact measure of the temperature of countries, which is greatly modified by the nature of the soil, the elevation of the surface, the circumfluence, or intersection of great bodies of water, and many other circumstances. That climate possesses a powerful influence on the complexion of nations, may be inferred from the effect of the solar rays upon the human skin in our own mild and temperate latitude. Compare the swarthy hand of the sailor, the day-laborer, or of any of those persons whose occupations habitually expose them to their action in the open air, with the delicate fairness of such as, from their rank and fortune, are constantly shielded from their influences, and the effect becomes conspicuous and striking. If, instead of the partial exposure to which they are subjected, and those conveniencies by which they are at present sheltered from the worst effects

of the climate, they were exposed naked, and unhoused, like men in a savage condition, to the full force of its action, how much greater would be the effect? How much greater still, if, instead of the short duration of our summer heats, they were continued throughout the whole year with the same intensity? And if, to all, we add the ardor of the torrid zone, to which there is nothing in the temperate latitudes to be compared, we may easily conceive that the blackness of the African hue is not greater than ought to be expected from the force and continuance of the cause.

But, besides the discoloration produced by the direct rays of the sun, naturalists inform us that the effect of a torrid climate is very powerful on the action of the liver, that great laboratory of bile in the human system. This secretion is greatly augmented likewise by the superabundance of putrid miasmata evolved in such regions from stagnant moisture and decaying vegetable substances. From whatever cause it is increased in quantity, it is known, in the same degree, to heighten the discoloration of the skin: for bile, although it puts on a yellowish appearance while it is confined within the system, yet immediately assumes a black hue as soon as it is exposed to the air; which in a degree takes place when it arrives in the circulation at the surface of the body. Dr Blumenback, a famous German chymist, thus

is derived from the subject, founded upon re-
 sults of an experiment. — The bile, says he,
 contains a greater quantity of carbon in
 its composition than any other animal substance, except
 the blood. From the liver, therefore, it is thrown into
 the circulation in very minute proportion, arriving, in its
 progress to the surface of the body, the hydrogen prin-
 ciple in it being attracted having a stronger attraction or
 affinity with the oxygen of the atmosphere than the
 carbonaceous itself. In the act of perspiration, from
 the substance which being consequently precipitated in
 the pores of the membrane of the skin, contributes there to
 form the dark complexion of fervid, and especially of
 brown constitutions. — Many other causes, besides extreme
 heat, contribute to create a superabundance of this secre-
 tion, particularly, poverty of diet, filthiness in the habits
 of living, and in the general manners of a people, or
 excessive exertion, which greatly to debilitate, or exhaust the cor-
 rector system. In whatever degree it prevails, it is pro-
 portionably followed by this discolored effect. Hence,
 we observe the dark hue of the Laplanders, Sa-
 moians and other inhabitants of the arctic regions. The
 system, even in those extreme climates, is overstrained
 by the severity of the cold, and exhausted by the scanti-
 ness of the food, and poverty of the food on which the
 arctic people are obliged to subsist. — Many of

the preceding causes, necessarily concurring in the condition of all savages, may be the reason why men in this state of society, are always of a very dark hue even in temperate latitudes.—But whether philosophers, in attempting to explain the causes of color in the human skin, have justly interpreted nature or not, we have before our eyes incontrovertible examples which demonstrate the power of climate in the production of this effect. Not to speak of the general progression of color from the high temperate latitudes to the heats of the equator; or of the complexional zones of Arabia, or India, the nation of the Jews who are known to be descended from one family, little mixed with any other people, furnish a fact that, one would think, should be decisive upon this subject. They are dispersed through every country in the world from Great-Britain to India, and in each region, are marked with the common complexion of the natives; fair in Britain and Germany, swarthy in Spain and Portugal, olive in Syria, and black in India.

Having made these few observations on the varieties which exist among mankind in the complexion of the skin, I shall, with the same brevity, endeavor to point out the influence of climate on other varieties, which appear in the figure and proportions of the several limbs of the human body.—The Esquimaux, the Laplanders, the Samoiedes, and, in general, the most northern tribes

of Tartars, have the head and breast large, the neck short, the hands, the feet, and the eyes small. These seem to be natural effects of the intense and perpetual cold which reigns in those regions. It restrains the freedom of the growth and expansion of those limbs which are farthest removed from the centre of warmth and circulation in the body. The size of the feet and hands, therefore, will necessarily be diminished, while the breast and the head, which receive the most forcible impulse of the blood, will be proportionably enlarged. The expansion of the head and breast diminishes the apparent length of the neck. This circumstance, connected with the habit which naturally prevails in those rigorous climates, of habitually raising the shoulders to protect the neck from the uncomfortable effects of intense frost, will account for the appearance of those wretched savages, who seem as if their heads rested almost on the top of their breasts, or were even sunk below their shoulders. That such a fixed habit of the body should be the effect of the constant action of extreme cold ought not to be surprising to those who know how the form of certain limbs may be changed by the application of proper machinery, or even by the voluntary efforts of young persons continued through a sufficient period of time, under the direction of a skilful master of attitudes. A particular habit of body, or disposition of the features constantly

repeated, in consequence of the unremitted constriction of cold, becomes, at length, incorporated into the system, and gives the form to the person, and the lineaments to the features, more or less strongly marked, as far as the cause is found to operate. This observation may be extended, by analogy, to explain many other traits of personal, or national physiognomy besides those already mentioned. Thus the harsh features of a Tartar are the natural result of the corrugations, and distortions created by the climate. And that silly and idiotic countenance which we frequently observe in the wretched natives of Africa, seems to be a compound effect of the pain, and the faintness created by the intense rays of a vertical sun immediately beating on the head exposed to their stroke without covering. This observation is corroborated by a remark made by Mr Volney when contemplating the head of the Sphinx in Egypt. It exhibits, he supposes, a type of the countenance of the ancient inhabitants of the country, who resembled more the natives of tropical Africa than the present population, which is a degenerate compound of Greeks, Romans, Asiatics, and Turks. And the expression of the countenance, he adds, in the contraction and wrinkles of the forehead, and the eyes, the elevation of the cheek, and drawing of the brows, and other particulars, presents a picture of the effects of a fervid sun upon the head, when men give

way to their uneasy feelings. It represents precisely, the state of contraction which our faces assume when strongly affected by heat.*

One other peculiarity of the Africans deserves to be mentioned, which is their hair resembling wool. Universal experience demonstrates that climate has a powerful effect upon the hair, fur, or wool of all animals to render it coarse or fine, sparse or thick, according to the temperature of the region; an effect which seems directed by the creator with a most benevolent intention for their comfort. A like benevolent care appears to be exercised towards the natives of this fervid zone. The covering of their head is a substance that is, properly, neither wool, nor hair, but somewhat between them, which is more comfortable to the head than either. It is sufficient to protect the brain from the intense ardor of the sun, and does not, like hair, imbibe the perspirable moisture from the skin, which would render it, in that hot region, extremely uneasy to the feeling, and probably unsafe to the health. This excrescence takes its color and form from the properties of that secretion in the skin from which it derives its nutriment. That the curl or nap of the hair depends in a great degree upon this cause is rendered the more probable by the appearance

* Travels in Egypt, page 49—Dublin edition, 1788.

which it exhibits on the chin, the armpits, and other parts of the human body. Whatever be the nutriment of the hair, it would seem, from the strong and offensive smell of the African negro, to be combined with some gas, or fluid of a very volatile and ardent nature. A similar odour is perceived to issue from the armpits of many white persons, and, in a slight degree, from all who are not nicely attentive to personal purity; and a like effect is visible on the hair that grows on that part. The evaporation of a volatile gas rendering the surface quickly dry, and disposed to contract, while the centre continues distended, will necessarily produce an involution of the hair. Viscid and glutinous matters, such as those about the chin, tend to a similar result. The peculiar odour of the African black seems to indicate the union, in that hot climate, of sulphur with hydrogen gas, or inflammable air, and perhaps an unusual proportion of phosphorus. Certain it is, however, that the strong fetor of the African negro is gradually becoming less offensive in his descendants in America; in those especially who are accustomed to observe great particularity and cleanliness in their persons; and, in the same degree, the close nap of their wool is beginning to be relaxed.

But whatever be the cause of the woolly appearance of this excrescence in the Africans, there are several examples to prove that it depends on the qualities of that sub-

stance, lodged in the cells of the skin, which is the nutriment of the hair, and creates their carbonic complexion. I shall produce only the instance of a negro in Maryland which is recorded in the *Medical Repository* of New-York, and by Dr Barton of Philadelphia, and whom I have myself seen and examined, who, about the age of forty, lost his black color by degrees, and, in a few years, became a perfect white man. His whiteness was not of that palid and diseased hue which distinguishes the Albino race, but exhibited that pure and healthful complexion which is seen in the ordinary class of Anglo-American laborers. In this man, in proportion as the black color forsook his skin, and the white extended itself over his head and body, wherever there had been wool, it entirely disappeared, and gave place to a fine straight hair, almost of silky softness.

But for the explanation of the causes of many other varieties in the appearance of nations, I must take the liberty of referring those who are curious to investigate the subject, to the work already mentioned. I shall not here introduce any of the principles, which are there illustrated at large, tending to shew the effects of the state of society upon the aspect of the human countenance. Only remarking, that, under the head of the *state of society*, are comprehended diet, clothing, lodging, manners, government, arts, religion, agricultural im-

provements, commercial pursuits, habits of thinking, and ideas all kinds naturally arising out of this state, infinite in number and variety. If each of these causes be admitted to possess, as undoubtedly it does, a small influence in forming the character of the countenance, the different combinations, and results of the whole must necessarily be considerable ; and, united with the effects of climate will afford sufficient principles on which to account for all the varieties which exist among mankind.

Many writers who acknowledge that the soft and fleshy parts of the system are susceptible of great changes by the influence of climate, and other causes that have been mentioned, contend that the bones, being more firm in their texture, and less liable to the impressions of external causes, contain more certain indications of diversity of species among different tribes.—It is well known to physiologists, however, that, in infancy and youth, before the bones have attained their firmest consistency, these solid substances often undergo considerable alterations in their figure from the operation of very minute causes. Let me take a single but interesting example from the figure of the head.*

On the form of this important part of the constitution, besides the climatical influences, or the extraneous ac-

* Essay on figure and complexion of human species, page 120, &c.

efforts to which it may be exposed, every action of every muscle, in any way affected by the thoughts and passions of the mind, is calculated to make some impression. And, although the separate impressions may be insensible, yet the accumulated result of an infinite number of the slightest touches becomes very perceptible in a course of time. Nor is the softness of muscular action a sufficient objection against the reality of this fact. What can be softer in its action than a drop of water falling from the height of a few inches, or even of a single inch? Yet, in time, it will wear a cavity in the hardest marble. What can be more tender than the young herb just sprouting from the seed? Yet, although the earth that covers it may be pressed down, and beaten hard, we see it, by the gentle impulses of its expanding fibres, and circulating juices, gradually swell, and at length break through the incumbent crust. Shall we deny, then, that the passions, which often strongly agitate the mind, nay, that each emotion, each thought, by affecting the muscles that give expression to the countenance, and varying their tension, and, consequently, their pressure on different parts of the bony base of the head, may also affect its figure? From these and similar facts some great physiologists have imagined that the figure of the skull, with its various protuberances and indentations, affords a criterion of no inconsiderable certainty by which to

judge of the intellectual powers and moral dispositions of men. These ideas have, perhaps, been pushed too far by some ingenious men. But we may, at least, be justified in affirming that the various strictures and relaxations of the muscles about the head, produced by the infinitely diversified actions of thought and passion, will, in time, leave certain impressions affecting the exterior form of the skull. At the same time, the brain, the immediate organ of all the emotions of the soul, will, by its dilations and contractions, contribute in some degree, to mould the interior cavity in which it is embraced. On the other hand, the original figure of this receptacle of the brain in different persons, by giving it scope in some, for a more ample expansion, and a freer action, or, in others, by compressing it, in some parts of its orb, and thereby restricting the regularity, or freedom of its motions, may affect the operations of the mind, and thus lay a foundation in the organization and structure of the head, for the existence and display of particular intellectual, or moral excellencies or defects. The original figure of the skull, therefore, may have an influence, not inconsiderable, on the developement and exercise of certain passions, and affections of the mind, and on its peculiar powers of intellect, or imagination; and, on the contrary, the habitual exercise of these powers, or indulgence of these passions, especially in the early periods of

life, may reciprocally affect the figure even of that solid cell in which the brain, the immediate organ of the mental actions, is contained.

From the preceding observations, if they are founded in nature, and fact, we are fairly entitled to infer, that some climates, and some states of society, and modes of living, by varying, in a less or greater degree, the form of the head, that organ which, by its figure, necessarily affects the operations of thought, are more or less favorable than others to certain exertions of the mental powers. And we may infer further, that, after a people have long cultivated science and the arts with success, or devoted themselves chiefly to certain occupations and pursuits, a greater general aptitude for those pursuits, or those arts, may become hereditary among their descendants, in proportion as birth has any influence on the form of the person, till other causes arise to create a total alteration of the public manners. Of both these states of the human person, the ancient and modern inhabitants of Greece may be regarded, perhaps, as affording interesting examples.

The principal objections which lie against the power of climate to change the figure and complexion of the human species, maintained in the preceding theory, are drawn from the difference which exists between the in-

habitants of the African, and those of the American, and Indian zones. To obviate them, it should be remembered, that the Indian zone being composed chiefly of water, and the American zone, owing to its rivers, and its forests, are incomparably milder in their temperature than the African. In Africa itself, the eastern side of that continent is not so strongly marked with the negro peculiarities of complexion and features as the western; which may be explained by the uncommon elevation of the Abyssinian Alps above the level of the sea, and by the continual rains which prevail there for more than half the year, and, in the next place, by the continual impulse of the trade winds from the Indian ocean on the coasts of Aian. But when those winds have travelled over that burning zone, collecting in their passage all its fires, they fall upon its western side glowing with an intensity which is unknown in any other portion of the globe.

Thus have I taken a very cursory review of the principal varieties of mankind, as they exhibit themselves in various portions of the race, and suggested a few of their most obvious causes. The whole I conclude with two observations with which I introduced this discussion. The first is, that, if the varieties of mankind can be accounted for from any known causes, physical, or moral, on the supposition of their being derived from one

original stock, it is contrary to the principles of sound philosophy to seek for a solution of them in the hypothesis of there being different original species of men.— The second is, that the proof of the identity of the race, is essential to a just philosophy of human nature.

LECTURE III.

ON POPULATION, OR THE POWERS OF MANKIND TO MULTIPLY THE SPECIES.

The numbers of the people in any country can never exceed those which can be nourished by the provisions either raised within it, or introduced into it—Population dependent on the state of society—The institution of marriage—The distribution of the soil in private property—Of the necessity of fixed laws and the security of rights—Of the distribution of the territorial surface into small and equal portions—Of simplicity of manners—Of luxury—Of celibacy—The effects of different kinds of food—The rearing of horses unfriendly to population, arts and commerce—Division of arts—Barter—Money—Merchants—The question whether agriculture, or commerce be most favorable to population—Liberty and security indispensable to the most flourishing population.

IN considering man as a species, our views shall next be turned on his longevity, and his powers of continuing, and multiplying his race; with reference particularly to the most successful means of augmenting the population of states. Death is a law of all animal natures. Such is

their organization that, independently of accidental violence, by which they may be prematurely destroyed, time, by rendering the fibres of the body rigid, must, at length, arrest all its vital actions. Man, if not the longest lived of all animals, is certainly among those which enjoy life to the most extended period. Yet, there are few examples of human life protracted beyond a century. The race is continued, like that of other animals, by succession. But, if man were, like them, to indulge himself in a vagrant concubinage, his prolific powers would be much inferior to what we observe in most of the brute animals, and, certainly, his existence would be much more unhappy than theirs. But, by entering into a state of civil society, instituting the laws of marriage, submitting to the restraints which that union requires, and making use of all the advantages which, as a social, reasonable, and moral being, he enjoys over them, the species may be almost indefinitely multiplied. Marriage, and the union of men in families, is necessary in order to fix the certain relation of children to parents, and to create to the latter both the motives, and the means of protecting and preserving them, and of so cultivating their bodies, and their minds, as to prepare them to become parents themselves, useful to their offspring, and to society.

These things being premised, if the habits of society, or the fertility of the earth were such that an easy and plentiful subsistence could be procured for every child that might be born, the natural inducements to marriage, and the prolific powers of mankind are such, that the numbers of the species might be multiplied to a degree of which we have never yet seen any example. But, when the population of any country is advanced to that state in point of numbers, that all the provision for the sustenance of human life, either spontaneously yielded by the soil, or produced by the customary habits of industry among the people, is annually consumed, it can then be no futher increased. The difficulties of maintaining a family, in a situation continually threatened with want, would discourage marriages, or actual want, if they were contracted, would render them unfruitful, or would destroy their fruit. The maximum of population, can never exceed the maximum of the provision raised within the country, or introduced into it by commerce. But in estimating the requisite quantity of provision for supporting the population of a state, we must take into the account, not merely that portion of food which is absolutely necessary for the sustentation of life, or of clothing which is barely sufficient to defend the body against the inclemency of the seasons, but that quantity and kind of both which the state of society, and

the general habits of living, have rendered customary in any country. The indulgences which custom has made general, the kind of diet, or of clothing which enter into the common habits of the people, come to be esteemed among the necessaries of life. It is equally true of a state of savagism, as of a state of civilized refinement, that the population cannot exceed what can be supported by their natural, or artificial means of subsistence, according to their habits of living. If a tribe be accustomed to derive their provision wholly from the bow and the hook, their population cannot go beyond that small number which the spontaneous product of the waters and the forest can maintain. On the other hand, if certain expensive gratifications of luxury come to be included among the necessary enjoyments of a civilized people, as soon as they exceed the abilities of any particular class in the community to purchase them, marriage, and the formation of families among them, will be proportionably restrained. When, in the progress of society, therefore, the dissipations of luxury come to spread their influence through the general mass of a nation, and to invade the middling and lower as well as the highest orders, this obstruction to the great principle of population, the formation of families, will, in proportion to the degree in which it prevails, impair its population. The same effects will flow from great rudeness and unskilfulness in

the arts, especially in that of agriculture, or from great corruption of the arts, which converts them only to effeminate the morals of society, and to cherish a pernicious ostentation and expense in living.

The numbers of mankind, therefore, in any country will depend, in the first place, on the state of society to which the people have arrived. Man, in savage life, resembles the beasts of prey, which, living only upon flesh, exist rarely dispersed through the forest. When advanced, like the Tartar, to the art of taming herds, and living chiefly on their milk, along with the fruits of an imperfect agriculture, a great improvement is made in favor of human nature. But, it is in a state of civilization alone, where arts have been invented, and science cultivated, and where men are sustained principally on the products of agriculture, that the numbers, and the happiness of the race can be augmented in the highest ratio. In a state of cultivation, however, the comparative numbers of nations, after making reasonable allowance for soil and climate, must depend chiefly on those institutions which facilitate the formation, and support of families, and call forth the industry of the people ; that is, which contribute to multiply the quantity of provisions, and to bestow on every class in society, their reasonable share in the distribution of them, according

to their property in the soil, their expenditures in its improvement, or the actual labor bestowed upon it.

It is an important object of inquiry to the philosopher and the legislator, to discover those institutions which may tend most effectually to augment the population, and industry of states, so as, by the well directed labor of the people, to render the earth that beautiful and comfortable habitation which seems to have been the ultimate design of the creator in its formation. It is plainly the intention of providence to impose on man the necessity of industry, and, by this law, at once to beautify his abode, and to carry all the faculties of his nature to their highest improvement.

After the institution of marriage, which is the most effectual support of all those moral principles which form the cement of society, a wise system of property in the soil will be found to have the most beneficial operation. When the land lies in common, and is not parcelled out in individual property, it can be used only to the purposes of hunting, or of pasturage, in either of which conditions the population must necessarily be extremely small, and the improvement of the human powers be entirely arrested. But when divided in separate property, each man, obliged to resort to the cultivation of the soil for the maintenance of himself and family, feels a power-

ful interest in improving his own portion, and drawing from it the largest profit which the labor, or expense, that he is able to bestow upon it, will yield in the market.

But there are several considerations in the political state of a people which are necessary to give to land its greatest value, and to encourage the efforts, and multiply the fruits of a laborious industry. The first of these is security to each man of his rights, whether consisting in the property of the soil, or in the free and entire use of the fruits of his own labor. If there is any uncertainty in either; or if another has the power of controlling his rights, or of entering at pleasure on the profits of his labor, industry is discouraged, and improvement ceases. Fixed laws, therefore, under a wise constitution of government, are of primary importance for promoting the population of states, and augmenting the numbers of mankind.

Another consideration which particularly merits the attention of the legislator who aims at the highest ratio of population, is the importance of adopting such a system of territorial regulations as will tend to throw the land as much as possible into small, and nearly equal divisions. When distributed in large portions in the hands of a few wealthy lords, as in Poland, and in Russia, to be cultivated by a servile class, the effect on population will always be

unfavorable. Small and nearly equal divisions of the soil, cultivated by freemen, will commonly have the most benignant influences on agriculture, as improved agriculture has, reciprocally, on population. If large and unequal divisions of the territorial surface be favored by the laws, it is of great importance to the interests of population, that it be cultivated, not by a servile class who have no property in their own labor, but by free tenants, on such terms as would give them a common interest with the proprietor in the amelioration of the soil. This can only be done by introducing the custom of long leases, on a fixed and certain rent. It is requisite that the rents be certain, in order that the tenant may feel a kind of propriety in the land which he cultivates, independent on the caprice of his landlord: and that his lease should be so long as to secure to the actual cultivator a reasonable profit from every improvement which he makes.

Of not less importance is it generally to the population of states that the public manners should be simple and frugal. When a general luxury has invaded a nation, the vanity of individuals is apt to consume in the indulgence of an imprudent ostentation, or in the gratifications of a voluptuous, and effeminate taste, an expense which might be sufficient for the maintenance of many plain citizens of the same rank. Lands are wasted in

merely ornamental improvements, or in rearing animals for shew, which consume the product of those acres which should be devoted to feed men. If such a complete separation of ranks were established in society that the inferior orders should feel no ambition to emulate the superior, the luxury of the latter, who are, comparatively a very small portion of the state, might not be attended with consequences so obviously pernicious to the community. They might even repair, in a degree, the injuries which they do to population through the excesses of luxury, by the employment which those very excesses create for a greater number of artizans. But this apology of Mandeville's for luxury, under the paradoxical maxim that "private vices are public benefits," is false when it has, in any considerable degree, invaded the body of the people. In proportion as expensive habits of living have become general among them, and the difficulty of maintaining a family in a style of fashion is increased, marriage will be avoided by great numbers, as imposing an inconvenient burden, which they cannot support in consistency with the enjoyment of those pleasures, and the preservation of that rank and appearance, to which they have been accustomed in society.

Another consequence still more pernicious⁹ is likely to result from these manners, when celibacy among men has become so common as to be no longer disgraceful,—the

corruption of the female sex, and the profligacy of both. The laws cannot control public opinion. And it is known that when manners had arrived at this state in Rome, all the power of Roman despotism was found insufficient to force men into the connexions of marriage against the prevailing tide of luxury. And it soon became necessary to replenish the declining population, by the dangerous expedient of introducing large bodies of strangers into the heart of the empire.

As the pastoral state will sustain a greater population than the hunting, and agriculture than either, so the numbers of a people in any country, will be still further affected by the peculiar kinds of provision which custom had rendered most common in their diet. A more numerous population can be supported by the exclusive use of grain and esculent plants, as in India, than if the flesh of animals be mingled with them, which is always an expensive species of food ; unless we may except animals of the beeve kind, which, by their milk and their labor, may, perhaps, repay the expense of rearing them, and return some profit to the proprietor. But horses require such an extent of surface to maintain them that it can seldom be good policy in a nation that aims at the highest degree of population to employ them, even in the culture of the ground. It is better to cultivate it by the labor of man. Hence Moses has forbidden

kings, or the government of the populous nation of Israel, to encourage the multiplication of horses. They were excluded likewise from Sparta by the agrarian system of Lycurgus. There may, however, be other circumstances in a nation, as the mounting of their cavalry, or the transportation of the products of their labor, where there are few rivers or canals for that purpose, which may require some care in the breeding of this animal. In a country, also, like that of a large portion of the United States in which there is, at present, a superfluous quantity of land, and comparatively few laborers, the horse, on account of his activity and strength, may be advantageously employed in cultivating the ground. Having extensive pasture range he can be easily maintained, and by his labor, not only furnish an abundant supply for his own keeping, but yield a large surplus for the sustenance of man, and in some measure compensate the present deficiency of hands.—It is remarked by economical writers that the animal food which may most advantageously be mingled with vegetable in the subsistence of man, is that which is drawn from the waters, and especially that which is taken from the bosom of the ocean. It requires small expense to render it fit for human use ; and few hands are necessary to collect it. To this cause, it has been repeatedly observed, China is indebted for great part of her numerous popula-

tion ; if indeed it be as numerous as it has been represented.

It is obvious to all who have observed the operations of agriculture, that the earth may be made to yield the utmost that the united powers of fertility, climate and labor can produce, by fewer hands than its fruits can maintain. But men will not gratuitously exert themselves in the constant labors of the field, nor apply themselves to raise more from the soil than they find by experience to be necessary for their own subsistence, unless stimulated by the prospect of acquiring from abroad some convenience which they cannot easily supply to themselves, or gratifying some artificial taste to which the habits and customs of society have given birth. Hence we perceive the origin, and utility of arts, and of commerce, to employ the surplus of the hands in a country above those which are required to cultivate the land ; augmenting the resources for the comfort and convenience of living, as well as opening a new spring to population. For it is not merely the multiplication of the numbers of citizens which forms the exclusive object of calculation to a wise legislator, but the happiness of a numerous people, and the conveniences they may possess for the enjoyment of life.

In the commencement of civilized society, when the cultivator of the earth is often necessarily taken off from

from his useful labors in the field to fabricate his tools, to prepare his clothing, and to construct, with his own hands, his dwelling, and the various domestic utensils which necessity, or comfort, requires for the accommodation of himself and family, his agricultural labors will unavoidably be greatly impeded, and their product be proportionally diminished. A large portion of his time must be occupied in framing his instruments to assist him in the labors of the field ; which must still be imperfectly and coarsely executed, for want of skill in their construction, and of habit in passing with facility from one species of employment to another. But after experience has at length convinced him that these implements may be better, and more cheaply furnished by artists who devote their whole attention exclusively to the improvement of their respective arts, while he can more profitably employ his labor immediately upon the soil, there arises, by degrees, a separation of professions, —one employed chiefly in the earth to multiply provisions, the great resource of life, another occupied solely in the arts, to facilitate the labors of industry, or to promote the comfort of living. Both concurring to increase the number of citizens by furnishing, at once, provision, and employment, and creating a demand for their several products. The husbandman can give provision for the product of the artist's skill; and the in-

genuity and industry of the artist is rewarded by the provision furnished by the husbandman.

As long, however, as these mutual exchanges are made by bartering one commodity for another, they are necessarily attended with many inconveniences which greatly obstruct the progress of improvement. The artist may not, at all times, stand in need of the grain of the husbandman; at other times the simple wants of the husbandman, as far as they depend on the aids of the artist, may have a present supply. In those cases, the industry of the one, or of the other, will be without object or reward; and will want a sufficient motive for exertion. What is chiefly requisite then is some medium of exchange which shall always be deemed an equivalent for both labor and skill, and which may be ready on all occasions, to supply every want of nature, or of habit, or to reward every exertion of industry, or ingenuity. To render this medium most useful, and effectual to the ends for which it was created, a class of men is required, whose chief business, and whose interest it shall be to circulate it, and facilitate the necessary exchanges of society by being always ready to purchase whatever either of labor, or of art, may be brought into the market. Hence the origin of money, and of trade, and the great utility of the class of merchants. Labor is stimulated when it can always depend on a certain re-

muneration, by which the proprietor, and cultivator of the soil, after supplying his most necessary wants, may gain a surplus to supply those desires which taste, or the ideas of convenience, have created. The means are augmented of maintaining a more numerous population; artizans are increased when every product of their industry and skill is sure of meeting an immediate reward. —Arts are subdivided, in order that the workmanship in each branch may be executed with greater perfection and expedition; beauty is added to utility, because commerce awakens and cherishes taste, and furnishes the means of recompensing the ingenuity, as well as the industry of the artist.—The raw materials furnished by husbandry, are manufactured in different ways for ornament, or use. And when the product of the loom, or the laboratory exceeds the demand for home consumption; or, when the excellence of the fabric invites demand from abroad, commerce affords the means of turning a people's industry and skill to profit, and receiving, in return for them, wealth that shall add a new stimulus to internal improvements, and augment population by increasing the demand for labor. Exports may often be repaid in provisions for the maintenance of additional artists above those which the agriculture of the country can support; or, more profitably, perhaps, by the raw materials of other regions, to be worked up to advantage

by manufacturers at home, only to be re-exported for fresh accessions of the precious metals, of provisions, or of other raw materials of labor; by every exchange, however, furnishing new sources of employment, and of population. Often, indeed, the returns of commerce are made in luxuries which the influence of custom has caused to be esteemed among the desirable enjoyments, and sometimes converted almost into the necessities of life. But as these luxuries must be paid for either directly, or circuitously, by the products of the soil, or the labors of the artist, we see that, in all the ways which have been mentioned, and in a vast variety of others, such as promoting the arts connected with ship-building, and all the means of facilitating transportation or exchanges at home or abroad, besides the cultivation of the various sciences which have either advanced the art of navigation, or been advanced by it, commerce may be made the means of stimulating industry, and of greatly augmenting the population of a country, as well as of increasing the convenience, and comfort of living.

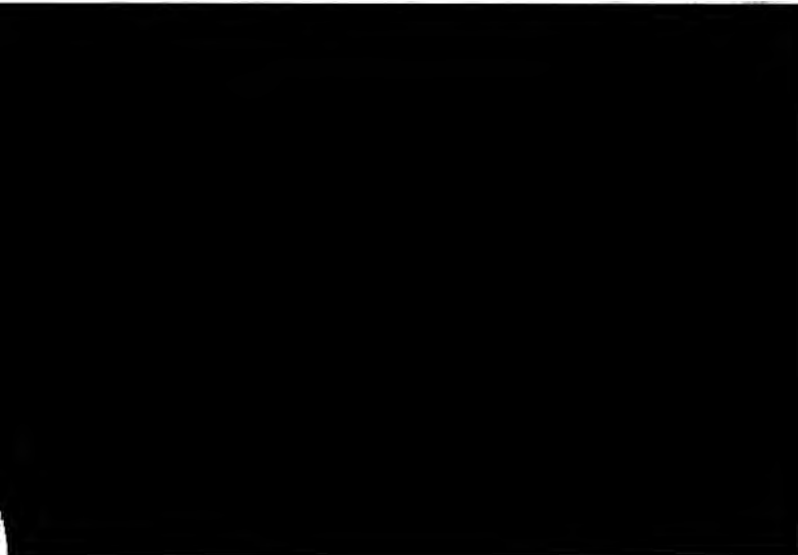
It has been made a question among speculative politicians whether commerce or agriculture can be made to support the greater population?—Without entering into the extensive details which would be necessary, to give a complete solution to this question, I shall wait only to lay down the few following brief, and general prin-

ciples. On a small territory advantageously situated to the sea, however ungrateful may be the soil, commerce, if the people can render themselves the carriers of the trade of other nations, as was the case of ancient Tyre, or the modern Amsterdam, may support a more numerous population than could be supported by the mere force of agriculture under any circumstances of fertility of soil.—On the other hand, in a territory of moderate extent, agriculture without the aid of commerce, may, by the influence of excellent moral institutions, such as we see exemplified in the laws of Moses, or Lyeurgus, maintain a population equal to that of the most flourishing trade. But in an extensive nation, over which it is impossible that such institutions can reach in their full vigor, it requires the united influence of commerce, and of agriculture, to carry the numbers of the inhabitants to the highest practicable, or desirable limits.

Among the chief advantages of a well regulated trade, is its adding refinement to the enjoyments of life, and quickening the exertions of all the human powers. Gold and silver drawn from mines, or accumulated by the plunder of conquest, foster only indolence and vanity, and impair the energy and nobleness of the human character. But while the industrious spirit of a people can be preserved, the increasing wealth arising from trade will ever combine solidity with elegance, in the practice of the arts,

and in the manner of living; but where regular industry is no longer requisite in its acquisition, we see only a tasteless ostentation planted by the side of poverty and wretchedness, the unfailing symptoms of a declining population.

Climate, soil, and other physical causes being given, population will be principally affected by the nature of the government. In proportion as the principles of civil liberty are incorporated into the political system of any people, the exertions of industry, both agricultural and commercial, find their greatest encouragement, by the security which each man enjoys in the possession of the fruits of his own labor, or ingenuity. But where, in consequence of the defective organization of the government or the uncertainty of the laws, another may come in, and seize with impunity the product of your labor, the land must soon be neglected, or remain imperfectly tilled. The husbandman will reluctantly expend his toil for



under the same advantages of soil and climate. Under the same advantages, I say, for sometimes we find republican institutions in the midst of mountainous elevations, or a hard sterility of soil, where nothing but the force of liberty could support even a small population. And monarchies, in which certain principles of freedom are interwoven with their constitution, are more populous than despotism, in which all is exposed to the caprice of a master. China is a country governed by so peculiar a system, and is, hitherto, so little known, that it can hardly be regarded as a subject from which any definite examples, or instructions can be drawn. But where property is most secure, there agriculture and commerce will commonly be most flourishing, and there we shall find the most abundant means for the support of human existence.

From the preceding reflections it results as a general conclusion, that the most numerous population which can be maintained in any country must be a combined effect of the general industry of the people, of the frugality and simplicity of the public manners, united however with that elegance which springs from a successful cultivation of the arts,—of the freedom of the government,—and of the perfect security of the property of every citizen in the fruits of his own labor, or skill.—But, the existence of these requisite conditions being

presupposed, the population of any region will soon arrive to the full amount of the numbers which can be subsisted on the most ample product that can be extracted from the soil, together with all the supplemental provision which may be added by commerce. Beyond this point, it has already been said, that the numbers of society can never be made to increase. And, while the conditions which have just been mentioned remain, they can never fall far below it. Even the devastations of war, or the consequences of any other general cause by which the population may be diminished, for a time, will be speedily repaired, so as, in a few years, to be scarcely perceived.—We sometimes see philosophers and statesmen setting themselves laboriously to account for the depopulation of nations, from the accidental occurrences of pestilence, or war, and of other causes which have little or no connexion with the internal state and manners of the people. The true causes of a deficient, or declining population can only be found in the imperfection of the government, or the corruption of the public morals. While the government of a nation rests upon the principles of freedom, and the manners of the people are undepraved, nature has provided, in the human constitution, sufficient incentives to marriage ; and as long as the industry of the people, and the simplicity of their habits of living, bring the maintenance of

a family within the compass of the reasonable and moderate exertions of the greater portion of the citizens, population will never decline ; on the other hand, it will continue to increase while the smallest addition can be made to the means of subsistence. If thousands should be cut off, as was seen in the destructive wars of the Roman republic with the numerous states of Italy, and in the more formidable successes of Hannibal, thousands immediately rise up to supply their places. But if the political, or moral state of a nation indicate any principles of corruption and decay, the losses occasioned by emigration, or by any of those fatal accidents which sometimes depopulate kingdoms, can seldom be effectually repaired.—The numerous emigrations which have taken place from Great-Britain, within two centuries, to America, and India, cannot be perceived in any decrease of her population ; while those from Spain to her American provinces have left her only half her people.

Moralists and civilians have never failed to remark that simplicity of manners and frugality in the habits of living, form those characteristics of society which are most favorable to population, and that, on the other hand, luxury becomes unfriendly to an increase of numbers by a double influence,—the wastes which it creates, —and the discouragements which it throws in the way

of marriage. It is not easy, however, to draw the line between these different states, so as precisely to strike that virtuous mean on the one hand at which simplicity, united with a manly taste in the arts, commonly marks the most flourishing period of population, and that point, on the other, at which taste begins to degenerate into sickly refinement, and the arts, to be misapplied to the gratification of effeminacy and voluptuousness. Our ideas of simplicity in the manner of living ought not to be confined to the possession merely of the necessities of life. That rudeness which is the result of ignorance, and the total destitution of cultivation, is as little favorable, as vicious refinement, to the increase of the general family of man. A certain taste, on the contrary, for the conveniencies and elegancies of art, not only adds to the comfort of living, but, by creating new demands on industry, and furnishing new incentives both to ingenuity and exertion, becomes also a productive source of population.

I observe on this subject, finally, that it is among the most useful speculations and labors of the politician and legislator to ascertain, and put in operation, the most effectual means of promoting agriculture and commerce; of augmenting the quantity of provision for the sustenance of life, which can either be raised from the soil or

collected from the ocean; of increasing the facilities of internal transportation by canals, or roads; and of stimulating universal industry by multiplying the demands for useful employment, and rendering its remuneration prompt and secure.

LECTURE IV.

THE next object which will naturally attract the attention of the philosopher in contemplating human nature, in that light in which we have begun to consider it, is the social disposition of man, and the various forms of association under which the species is inclined to collect itself. Most animals discover some tendencies to assemble together, and to form unions, more or less regular and intimate, with other animals of the same kind. Some appear to be actuated simply by those natural impulses of pleasure which all creatures feel, in a certain degree, at the approach of other creatures like themselves. These ties, however, are feeble, and easily dissolved by the slightest demands of any stronger appetite.—Some are attracted merely by the habit of associating together, during that period of life in which the assistance and care of the parent animal was found necessary either to afford protection, or to furnish provision, to a numerous brood of young.—But the most regular societies which subsist among the inferior animals, are those which spring from the powerful instincts of nature, in certain species, assembling them in large numbers for their mutual assistance and preservation, as we see in the beaver, the ant, and the bee. These communities

are evidently not formed by any preconcert, or design of the animal; but by an impulse and direction given to it by that universal spirit which animates all things, and guides every creature to the proper end of its being.

Man adds to the instinctive impulses, and social attractions of his nature, the superior influence of reason in giving the form to his social relations. This principle, though more extensive in its range, is not so certain and uniform in its determinations as that of instinct. Many considerations, arising either from the error and weakness of the human mind, from casual situations, from choice, or from compulsion, often occur to vary the nature, and external forms, both of his domestic, and his political associations. When legislators, or nations frame their civil institutions with the greatest deliberation and reflection, their inability to foresee the results of human action in all the possible combinations of society, and the infinite casualties to which it may be exposed, may make them frequently mistake the best means of effecting their own intentions. And we know that the errors of ignorance, the fickleness of caprice and passion, and the numerous accidents which frequently arise to give their unsteady impulses to society, are so various as to be continually impressing new shapes upon the associations of men.—The different ends, aimed at by the policy of different nations, have likewise their influence

in changing the spirit, and modifying the forms of their respective governments.*—Thus, while in the associations of the inferior animals, we every where trace the unvarying uniformity of instinct; in those of men we perceive the varieties that result from the imbecility of our reason, which, though a superior principle of moral action, is less certain in the conduct of its plans.

The first form under which society appears, is the domestic; which, however, ultimately spreads itself out into the most expansive associations of states and empires.—And it is worthy the attention of philosophy to observe how nature has provided, in this primary relation, for the future diffusion of the social ties. Parents are attached to their children by affections which are among the most powerful in the human heart, and which engage them with infinite pains to provide for their subsistence and comfort, and for their instruction in such arts as they know to be necessary for their future safety and happiness. The period of dependence in man is long; and during that portion of life wherein his princi-

* Of these we have examples, according to Montesquieu, in the Spartan, the Roman, the Jewish, and the Chinese governments; of which the first aimed chiefly at cultivating a martial spirit among her citizens, principally with a view to national defence. The Roman aimed at extension of territory; the Jewish at the preservation of religion; and the Chinese at the tranquillity of the empire.

ples of action are chiefly formed, affection to parents is continually strengthened by a thousand reciprocal acts of duty and endearment; and the habits of submission to their authority daily acquire new force. At length experience, and the growing maturity of the understanding, render children more deeply sensible of their obligations to the kindness and care of those who have nourished and protected their infancy; and reason and gratitude add their powerful ties to those created by habit and dependence. The natural deference, likewise, which is paid to age and wisdom, when directed towards a parent, in whom are united so many other causes of attachment, and veneration, must give great authority to his commands, or his advice. Parents and children, therefore, would early be joined in a most natural and firm association; from which primary union would spring the first elements of civil society.

The children of the primitive family forming, in time, families of their own, in which would be repeated the same duties, attachments, and habits of submission, towards their own respective and immediate heads; the whole would, notwithstanding, be still attracted by a common sentiment of veneration towards their common progenitor as long as he should live. With no other control than what age, habit, and respect for ancestry impose upon the free mind, would they be disposed to

regard their common ancestor as the umpire of their disputes, and to follow his sage and experienced advice as the law of private morals, and their guide in the greater movements of the community. On his death, the person who approached nearest to him in age, or who, by lineal descent, should be regarded as the natural representative of the family; or, perhaps, a council composed of those elders who had formerly been the immediate associates of their great ancestor would, by general consent, or by implicit submission, undertake to regulate the affairs of the tribe.—Having, in this early period of society, no splendid objects of wealth and grandeur which could awaken ambition or excite to tyranny; holding a voluntary sway over men who were nearly their equals, and acknowledged to be their brethren, their counsels would aim only at protecting the common liberty, and promoting the common good. The universal persuasion of this, and that sympathetic feeling of a common interest, which can exist only in the simplest state of manners, would create general confidence in their governors, and induce a tranquil submission to their mild and equitable government.

It is obvious that a few descents from the primitive ancestor, and the dispersion of his descendents, must raise up many separate heads of clans, or tribes, who would lose in time, the feelings of their common relation

to one another, and even the remembrance of their common origin. The customary exercise of the sovereign authority in their hands by the voluntary acquiescence of the people, would pass into an hereditary claim of right. Hence the earliest histories of the world present to us innumerable petty sovereignties, consisting of single cities, or small territories, every where governed by princes, or kings.† These kings possessed a patriarchal, judiciary, and military authority. As patriarchs they were the priests of the nation,* and exercised the chief offices of religion; as judges they had the supreme administration of its laws entrusted to their wisdom and authority; and as directors of the military force, they were invested with the command of its armies, whether for attack or defence. But for all the interior regula-

† These terms are known to have the same signification as chiefs, or rulers, or the supporters, and protectors of the people.

* The office of the priesthood, or the prerogative of performing the religious rites and ceremonies, was naturally attached to every father of a family. The supreme priesthood of a tribe, therefore, became connected with the office of prince, or the acknowledged successor, and representative of its ancestral head. And as this character, in the first ages, and among a simple people, conferred the most sacred and venerable dignity on those who bore it, it contributed greatly to strengthen the regal, by the religious awe that surrounded the patriarchal authority.

tions of the kingdom, and for all objects of general concern which were not fixed by ancient custom, the assembly of the people must be convened. Thus we see in the military enterprizes of the Greeks, at the period of the Trojan war, even the share of plunder which fell to their commanders, and kings, was allotted by common consent, in the assembly of the people.

Such is the natural origin of the first petty monarchies which history presents to us in the earliest ages of the world. The sacred scriptures afford us ground to believe that the principles of agriculture, and of all the most necessary arts of life, were well understood by the great father of the race, and by him transmitted to those families which, springing immediately from him, became the founders of the primitive nations which grew up in the vicinity of his residence. Reason concurs in the same conclusion. Hence we perceive the elements of civilized life among the earliest nations who appear on the great theatre of history. And, from this source we deduce the origin of civil government, among the first nations of the earth, who appear, from the beginning, to have possessed among them all the useful arts in a state of considerable perfection.*

* See these principles more particularly illustrated and confirmed in the introduction to the essay on the varieties of mankind; and in the second lecture on the evidences of the christian religion, delivered to the senior class in the college of N. J.

But many restless and wandering spirits would soon forsake the restraints and subordinations of civilized society, that they might emancipate themselves from the labors of the workshop and the field, and indulge their genius in the freedom of the forest, and the pleasures of the chase. In these idle or ungovernable minds we see the origin of those savage tribes which early filled up the northern, southern, and western deserts of the world. Among them society and civil government would commence a new career. Each father of a family, or some enterprising chief among several who should fix their residence near one centre, would become the head of a separate tribe; among such a people age and experience, or enterprize and courage, would prove the only titles to authority. It would be merely advisory and would be seldom exerted, unless when circumstances should arise to call forth any general deliberation, or movement of the nation. In their simple condition of life, this degree of influence would be sufficient for all the common purposes of their rude society. On every other occasion, individuals would be left solely to the guidance of their own discretion. In an extensive forest, few occasions of collision could occur among members of the same tribe. But, when hunting or pasturage should at length afford too scanty a supply to their growing numbers, some of the supernumerary families would be constrained to

remove to new regions under different leaders, where, in time, they would forget their common origin. Similar subdivisions being often repeated, the newly formed tribes, spreading themselves through the boundless wilderness, would gradually extend their limits into the vicinity of one another. Hence would arise manifold causes of dissention, from mutual injuries, or encroachments on each others hunting grounds or pastures. This would create a new object to society,—its defence against hostile aggression; and would require a new modification of its powers, to fit it for the operations of war. This would be the subject of short deliberation. The enterprize and courage natural to man, and his proud resentment of national insult, would ever render the whole tribe prompt to fly to arms on the slightest occasion of injury, real, or imaginary.—Some ardent spirit, more bold than the rest, would offer himself to lead the enterprize; and would instantly be followed by a martial body of youth.—In cases of great and manifest danger to the nation, the elders, venerable by their experience and the gravity of their years, would often interpose their cautious advice with effect. But, too frequently, the ardor of young warriors would tend to impel the fierce and uncorrected passions of savages against the prudent counsels of age and wisdom.

If the hereditary chiefs of a nation are found to possess that high and daring courage which commonly distinguishes the leaders of a rude and ferocious people, they will naturally be followed in conducting their national enterprizes. Sometimes age, or infirmities, bodily or mental, may disqualify the hereditary, or patriarchal head of a tribe, for martial atchievment. These functions must consequently devolve on some other member of their small community. Thus a distinction may grow up by degrees between the civil and military chieftains, and between the several departments of the government, as far as that term may be applied to their rude associations, which are subject to their immediate influence. In the very simple state of savage manners, in which the same sympathies usually animate every member of their tribes, and no splendid objects of ambition exist to debase or warp their minds from the pursuit of the common interest, there will rarely arise any collision between these authorities. Each man is a warrior, when roused by any common and national sentiment of emulation, or of revenge. And, in a season of peace, every one tranquilly pursues his customary occupations, and pleasures, which consist alternately in the active enterprizes of the chase, and the stupid calm of absolute inaction. No constraint is perceived, except what may be supposed to be involved in that advisory influence which has been

already mentioned, and may be considered as most nearly allied to the officers of civil government in civilized nations. Either civil or military subordination, however, is feebly felt among such a people. In the progress of society, when wealth, and the distinctions of rank come to offer higher objects to the ambition of men, and the causes and occasions of war are proportionably multiplied, the military power too often affords the dangerous temptation, and the opportunity of usurping all the authorities of the state; unless the constitution of the government, aware of the danger, can, by wise and prudent precautions, so incorporate it into the mass of its powers as effectually to preserve its subordination to the civil magistracy. This is one of the most difficult operations of legislation.

We see, in these observations, the origin of civil government out of domestic society. But the forms which it assumes are casual, and dependent on an infinite variety of adventitious circumstances, which are constantly arising in human affairs.

In political associations, which have been more the result of accident than design, the limits of subjection and power are always indefinite. And this uncertainty opens the door to dangerous usurpations, or abuses of power. Power always tends to exceed its customary

boundaries; and when these boundaries are loosely marked, its encroachments may be easily effected; almost without design, in the early stages of its progression, on the part of the rulers, and without observation on the part of the nation. In a season of public tranquillity especially, its gradual usurpations are hardly remarked by unsuspecting people, who are seldom vigilant, as long as they are prosperous. On the other hand, in seasons of public danger, a popular, enterprising and ambitious leader may, with the entire approbation of the people, stretch his authority beyond its customary limits. But, when these acts have been frequently repeated, although most beneficially for the nation, and the more beneficially, often, the more dangerous, they become, in time, prescriptions in favor of illegal power. Thus has arbitrary dominion most commonly stolen insensibly on the slumbering confidence of nations: frequently it has been incautiously built on the eminent services of the best citizens, or the greatest princes. But by no means is a nation more certainly exposed to this danger than by the frequency of wars, in which extraordinary powers are entrusted in the hands of leaders of pre-eminent talents.

As long as nations exist in that rude state which takes place antecedently to the introduction and improvement of agriculture, and the useful arts, seldom can any important encroachment be made upon the liberties of the

people. It is wealth chiefly which provokes the attempts of ambition, and affords a subject on which tyrannical power can act. It is only when property in the land becomes fixed, and its productive value has been greatly augmented by the improvement of the arts of agriculture, and commerce, that tyranny finds both its object, and its means. And the casual forms of association, and the indefinite boundaries of authority and subordination, which have insensibly grown up in the early periods of society, afford it an opportunity, with the less observation, to introduce, and establish its dangerous claims. —But the most complete, and formidable despotisms are founded in conquest, in which the enslaved people, having their national spirit subdued, and being degraded in their own esteem, have no longer the vigor to attempt their deliverance; and are become, in consequence of the humiliations of imposed power, equally void of wisdom to plan, and of energy to conduct the means of their salvation.

Without dilating, at present, on either the natural, or accidental means by which civil government, in its various forms, has been introduced into different nations, let it be remarked, that the evils resulting, in experience, from the undefined limits of authority and subjection in these casual systems, have led many legislators, profoundly reflecting on the nature of man, to devise such

positive institutions, and so to organize the various departments of authority necessary to a good government, as may be best adapted, to attain its proper ends; the liberty, with the obedience of the people, on the one hand, and, on the other, security against the injurious, and unlawful encroachments of power.

These positive institutions are sentiments of general justice, and utility, as far as they are conceived by the legislator, formed into fundamental laws, sanctioned by the supreme authority, and supported by the whole power of the community.—Law may be defined to be a known and public prescription of right, declared to be the will, and enjoined by the authority and power of the state.

The code of the laws may be established, and announced in any mode prescribed by the sovereign authority. They are divided into two great classes,—the political,—and the civil. The former consists of those laws which define the frame of the government; the latter of those which prescribe the rules of conduct of the citizens towards one another, and towards the public and its magistrates.—Those only which respect the frame of government, in its general outlines, I am to consider at present, as they mark out the forms of association under which mankind, in different ages, and countries, have been collected. A more particular and detailed view of

the subject of civil government will be presented to our consideration in a subsequent branch of this system.

The forms of government may be considered, generally, as being either simple, or mixed. The simple embrace those in which the supreme power is vested in a single person, or a single body of men. In the mixed forms, on the other hand, the supreme powers of the state are divided among a plurality of persons, or assemblies, in such a manner that they shall respectively form some check upon one another in favor of the public liberty.

The simple forms are commonly enumerated under the heads of democracy, aristocracy, monarchy, and despotism.—Democracy implies the government of the *people*; which may be exercised immediately by themselves convened in general assembly; or by representatives chosen either in general assembly, or in particular districts of the state, and afterwards convened in one national body. An immediate democracy can be exercised only over a small territory; that by representation may be diffused over a more extensive region. A small body of representatives may be easily and usefully collected for directing the affairs of the nation, where the whole mass of the people could not be assembled. But in order to give their counsels the actual tone of the

national mind, and to preserve their power from being extended beyond the ends for which it was entrusted, or the limits within which it is circumscribed by the laws, the representative should ever be amenable to the constituent body of the people at short periods, by the frequent returns of election; and should possess no authority in his individual capacity, only when regularly assembled in one body with his colleagues. At all other times, he should merge in the mass of the community, being subject, in common with his fellow-citizens, to his own laws.

Aristocracy is a government exercised by a small proportion of the population of a state, under the denomination, commonly, of patricians, or nobles, who enjoy hereditary wealth, and hereditary privileges superior to the general body of the people.—This form of government may be varied like the former, being in some nations exercised by the whole class of nobles, who, in consequence of their birth-right alone, are constituent members of the legislative senate; and, in others, by a certain proportion delegated out of the whole body of the nobility. In this government the nobles are the nation, and the people are nothing; except so far as it pleases the ruling class, through motives of humanity, or policy, to raise them out of their annihilation.

Monarchy, as distinguished from despotism, is the government of one man exercised agreeably to known and established laws, commonly deposited under the protection of some tribunal, or body of men, educated to interpret them, and invested with high authorities and privileges in the state. The best model perhaps of such a government was that which existed in France previous to the late revolution. The basis of the legislative code consisted of the ancient usages and customs of the nation; most of them founded in the common sentiments of equity which prevailed at a period when the national manners were comparatively simple; but many of them, no doubt, introduced by the undue influence which power and wealth naturally confer on hereditary superiority over the inferior orders of the community. This judiciary system, thus compiled, was placed under the custody of the parliament, or supreme tribunal of Paris, with the aid of the subordinate parliaments of the different provinces. Of this depository of the laws it was the duty, and the privilege, to judge of the consistency of any new decree, or arret, proposed by the government, with the general system of legislation, and the tenor of the laws already established. If it so far contradicted the settled jurisprudence of the nation that the parliament refused to enregister it, no authority could make it a law. There are, at least, many exam-

ples in the history of France of the effectual opposition made by that body to the arbitrary edicts attempted to be introduced by the sovereign into the public code. No hereditary privileges are annexed to their station. And the knowledge that their children, and families are to return into the mass of the people, forms an important pledge for their fidelity to the interests of the nation. It is true that this body alone would be feeble to contend against the power of the crown, if its authority were not supported by the influence of the class of nobles, whose interests being, in some instances, united with the privileges of the people, as, in others, they are with the dignity of the prince, contribute, by their weight, to give, at once, stability to the throne, and security to freedom.

Despotism is the absolute dominion of one man, unlimited by any fixed and general laws, except those of religion, which are known, in the most arbitrary governments, to possess a powerful restraint over the caprices of the prince, and uncontrolled by the influence of any permanent order of nobility. All rank, and all law exist merely in the will of the despot. His authority is established, and maintained by the army; and a military subordination pervades the whole state. The very instrument of his power, however, imposes some check on its caprice. Capricious, effeminate, and cruel princes

are apt to lose the respect of their troops, no less than of their people; and then a revolution delivers them from the tyrant. Honor and bravery will often be the best recommendations of his successor to the choice of a body of men who are led by their profession to place the highest value on the heroic qualities. And these qualities being commonly associated with many other noble and generous attributes of the soul, they will often be found, in the hands of a powerful prince, peculiarly favorable to the prosperity of a nation. Such a prince understanding, likewise, how much his own glory is connected with the improvement of his empire in agriculture, and the arts, will frequently set himself with zeal to cherish them. Despotisms, therefore, do not always present to us that extreme of wretchedness which, in theory, is always ascribed to them, and which in practice they too often exhibit.

The mixed forms of government are either republican or monarchial. The republican usually consists of a senate of nobles, if there be in the state a distinct class of that grade, and an assembly representing the body of the people. These bodies are constituted in different forms, with various powers, and privileges in different states. In those political communities in which there is no separate order of patricians, or nobility, as in the United States of America, still it has been found useful

to organize the legislative body with at least two distinct branches; and to constitute them, if possible, for which various means have been devised, in such a manner as to render them proper checks, as well as efficient aids to one another. The sympathies of the more numerous branch of the legislature are believed, by the peculiar mode of its appointment, to enter more immediately into the feeling and interest of the great body of the people. On the other hand, the smaller branch is so constituted that the independent sovereignty of the separate states, and the property of the wealthier orders of the community, are supposed to find their most secure protection in it. The mass of the American population, however, is so uniform in its structure, that nearly the same sentiments may be expected always to animate both these bodies.

Mixed monarchical forms of government, or those in which monarchy constitutes one essential branch, may be variously compounded. In some instances they may consist of a king, with a senate, or assembly of nobles. In others a branch may be added to these composed of a representative body of the people. Each of these portions of the government, likewise, may be differently organized, according to the circumstances in which a nation finds itself.—The king may be hereditary, or elective. The senate may consist of the whole body of

nobles, who hold their seats by hereditary birth-right, or only of a portion of that body delegated by various modes of appointment. The representatives of the people may, likewise, be designated in various ways according to the usages of the nation, or the peculiar ideas of the legislator.

The king, in some constitutions, may be merely an executive magistrate; in others, besides his executive functions, he may form a distinct and independent branch of the legislature;—as in the constitution of the British government. Here, although each branch of the legislature, in the theory of the government, possesses a negative on the others, yet their powers, and interests are so balanced as generally to incline them, and to render it their mutual interest, to move in concert.

Thus have I sketched a brief outline of the different forms of association under which the species have been collected together. Civil government has commenced in domestic society; whence we trace its varied combinations through all the forms of political and civil union. The subordination of children to parents affords the most natural example of the original patriarchal governments of the world. As mankind multiplied, the forms of their associations would be varied by innumerable unforeseen, and undesigned circumstances. The evils resulting

in time, from the indefinite limits of authority and subjection, gave occasion, in many nations, to positive institutions designed to mark, with greater precision, the powers of the magistrate, and the duties of the subject; thereby to promote, as far as possible, in the midst of our errors and crimes, the tranquility, amelioration, and happiness of the human race.—I consider man, in the next place, as susceptible of improvement.

LECTURE V.

CONTENTS.

Of human nature as susceptible of improvement.—The inferior animals guided by instinct, which is always the same.—Man governed chiefly by reason, which is an improvable principle.—Different states of society exhibit its improvement in different degrees.—Chiefly promoted by comparison and communication of thought. Thought communicated by signs, either natural or instituted.—Natural signs—Instituted signs, either spoken, or written.—Two objects principally worthy our attention,—the diversity of languages in the world,—the similarity of structure which pervades all languages.—Of written language—first by painting—next by abbreviated, and symbolical painting—lastly, by verbal and alphabetical characters.—The great resemblance in all the known languages in the number and order of the vowels and consonants.—Of the hieroglyphics of Egypt.—Of the invention of other arts—of the subdivision of the arts—of their improvement by commerce.—Of the discovery and improvement of science.

THE object of the present lecture is to consider man as susceptible of improvement. The inferior animals

exist nearly in the same state in every age. Instinct, the principle by which they are chiefly governed, operates with unvarying constancy, and does not depend, like reason, on the accuracy of observation, and comparison, and the consequential consistency of deduction. The principal difference among animals of the same species consists in bodily strength and agility, or beauty of form. And these qualities, although greatly affected by the influence of climate, depend chiefly on the nature and abundance of their food; and, in animals that have been tamed, and domesticated, on the care of man. The improvements of which human nature is susceptible are visible, not only in the external form and appearance of the species, but much more in the powers and faculties of the mind. Man is seen in his lowest condition in the savage state. Paucity of objects in that state to give extent or variety to his ideas, and the rarity of the occasions that occur to call the various talents of the mind into vigorous operation, must necessarily leave it to languish in inaction. In the savage we see nature in its original rudeness, without any of the added powers of art and cultivation. But as society advances in its progress, as arts are invented, and the mutual comparison and interchange of thought is accelerated, its combinations, its contrasts, and all its exercises, multiplied and varied, the mind becomes more quick and pene-

trating in its perceptions; its reason is strengthened, its taste corrected and refined; the sphere of the imagination is infinitely enlarged, and the intellect rendered infinitely more powerful and comprehensive in its grasp. All the faculties of nature continually acquire new vigor and activity; till society having attained its ultimate point of improvement, begins like all things human, to languish and decay; corrupted by luxury, or sunk and enervated by oppression.

One of the principal sources of improvement in man, and one of his chief distinctions from the inferior animals, is the power of communicating, and recording his thoughts, and increasing and correcting his knowledge by communication.

Few things in the philosophy of human nature, merit more attention than the means of imparting our thoughts to one another, by audible and visible signs. Our common perceptions, our most useful, and our profoundest reflections, the finest emotions of the heart, and the most excursive flights of the imagination, and, what is still more difficult, the most abstracted conceptions of the intellect, may, by this admirable contrivance, be made obvious to the senses of sight, and hearing. In it the infinite address of human reason is chiefly visible.—The signs employed for the communication of thought

may be divided into two classes,—the *natural*, and the *artificial*, or *conventional*.—The natural signs are those looks, gestures, and tones of voice which, without the assistance of words, taking hold merely of the sympathies of nature, call up in the minds of others, the ideas, the emotions, and the desires which occupy our own. Their field indeed is extremely limited, being confined chiefly to point out objects which are immediately under the cognizance of the senses, or to express the strong and sudden impulses of the heart. The objects embraced in this field, it is true, if their signs are skilfully managed, can be conveyed to the conception of others with infinitely more vivacity and impression than they could by words, or by any merely artificial signs. But, for abstract truths, or general principles of science, they are little adapted.

The invention and application of the artificial and conventional signs for this purpose—the communication and interchange of the perceptions, reflections, and reasonings of the mind, contain the principal proofs of human ingenuity, and are the chief means of carrying forward the improvements of our nature towards their ultimate perfection.—They are either vocal sounds, or visible characters, and constitute language either spoken or written. Grammarians define speech to consist of articulate sounds, simple or compounded, used by custom to

express the ideas and perceptions of the mind. They are denominated *articulate*, from the latin word signifying a *joint*, on account of the innumerable joints, and flexures of which the organs of speech are composed, enabling them, by the dilatations and contractions of the great channel of sound, and the various contacts by which that sound is modified, so to diversify the human voice, as to fit it to give expression to the infinite variety of human thought.

On the subject of language two things especially merit the attention of the philosopher ; in the first place, the diversity of languages existing in the world ;—and secondly, the similarity of structure which pervades all languages.

Diversity of language is the natural consequence of its original imperfection, and of the infinite migrations of mankind while society yet existed in its simplest state. The objects about which men would have occasion to converse in the earliest periods of the world, would necessarily be few. At that time science, and the liberal arts, which give rise to the greatest portion of every improved language, could have had no place, or must have been confined to a very circumscribed sphere. Man existing at first, simply in a family state, his whole vocabulary would extend only to the objects of first neces-

sity, and to the relations and duties of domestic life, together with the practical offices of religion. The state of society being extremely simple, the compass of language would consequently be proportionably limited. When mankind began to multiply, the vacant and unoccupied earth would soon invite their dispersion into different and remote regions. In these situations their various tribes, having small intercourse with one another, must have commenced the vast career of improvement with comparatively few elements of language in common. And even these few, would, in time, suffer considerable changes from those causes which, in all countries, produce a continual flux in the form and meaning of words. But, in the progress of social improvement, those common elements of a narrow ancestral tongue, with which so many different tribes would enter on their progressive course, would soon become the smallest portion of their respective languages. Infinitely the widest compass of discourse consists in those accessions which it is constantly receiving from the invention and cultivation of the useful and ornamental, the mechanical and liberal arts. And in all the additions made to language, hardly is it possible that any two nations should have ever employed the same terms or compositions of phrases to express their respective inventions, or combinations of thought. Hence there would arise, in time, as many

different dialects as separate and independent tribes of men.*

* Many writers, too little adverting to the laws and economy of the natural, or moral world, have incautiously imagined that the diversity of languages by which the various tribes of men have been distinguished, could have arisen only from that miraculous confusion recorded to have taken place at the building of the tower of Babel.—A weak argument or supposition, pretended to be drawn from the sacred scriptures, for a natural event, as if it were a supernatural operation, must always do an injury to true religion. And the whole transaction at Babel seems, by many commentators, to be but ill understood. That extraordinary tower appears, from its structure, as recorded in the sacred history, compared with similar edifices found in various places in the east, to have been destined to the purposes of a superstitious and idolatrous worship. [*Vide* fragments and illustrations of scripture by unknown hands added to Calmet's dictionary of the bible.] We derive the same inference from the accounts, preserved by the Greek historians, of the temple of Belus, [the Baal of the Assyrians or Babylonians] which was probably no more than the ancient tower completed, and applied to its primary destination. The true origin of this structure most probably sprung from an ambitious design entertained by those primitive people of laying the foundation, in a great metropolis, of an empire which should, not only embrace all the inhabitants of the world at that period, but be extended over the future nations which should arise from them. And in order to strengthen the civil power by the influence of religion, it is probable that they resolved, according to the prevalent ideas of those early eastern nations, to establish a magnificent center for their national worship, in a temple or turret whose *top*, or *dome* should be consecrated (not *reach*, according to an erroneous conception of the translators

The next subject which particularly demands our attention, is the similarity of structure which pervades all languages. I do not mean that resemblance in the names particularly of objects of the first necessity in living, or of most frequent occurrence in nature, which

of the bible) to *heaven* ; that is, to the religious worship of the *celestial bodies*, which were the objects of the primitive idolatry. In executing this project before absolute power had yet imposed its despotic control over the human mind, great division of sentiment, and violent contests, (for what can be more violent than divisions which frequently spring from political and religious dissensions?) seem to have arisen among the people, and to have proceeded, at length, to such extremes as to create an utter alienation, and division of families. This appears to be the genuine interpretation of that confusion which existed, according to the sacred history, at the building of the tower of Babel,—a confusion, not of languages, but of sentiments, projects, and designs, which created violent and conflicting parties that ended, at last, in total separation from one another. This interpretation is strictly conformable to the signification of the original Hebrew term translated, in our version, *tongue*, or *speech*. It is found in but few passages in the bible, and, among these, it more frequently, and, by its structure in the sentence, necessarily must imply *sentiment*, or *opinion*, rather than *speech*, or *language*. The displeasure of Almighty God against these operators seems to have been directed chiefly against that center of idolatry which they intended to establish, and that universal empire at which they aimed, so ruinous to the prosperity and happiness of mankind. —See lectures on the evidences of the christ. rel. delivered to the senior class in the college, N. J. lect. 14th. page 138—140. And on the Heb. word Robinson's *clavis pentateuchi*, chap. 11th, v. 1.

can frequently be traced among nations who are known to have sprung from a common origin. These resemblances can sometimes be pursued far, by making only reasonable allowances for those changes in pronunciation, or in orthography, which time introduces into all languages, and the corruptions often introduced by foreign admixtures. I design at present to present to your view, only that resemblance, or rather perfect similarity of parts, of which the languages of all nations are found to consist.—The consideration of these parts, into which all speech, is necessarily divided, and of their general relations and dependencies in the structure of discourse, constitutes the theory of *universal grammar*. On the other hand, the differences which exist between one language and others in the inflexions of their constituent terms, in their connexions with one another, in the formation of sentences, and in their peculiar idioms, which are forms of expression that have grown up by accident and usage, in one nation, but cannot be literally explained, or transferred, into the language of others, are the subject of particular grammar.

In the latter class are embraced both the direct and immediate operations of things, and the passive reception of those operations.—The principal parts of speech, therefore, are the substantive, the adjective, and the verb active, and passive. These must form the basis of every

language, and the chief substance of discourse. But, besides these, an inferior class of words is requisite to the complete form of a sentence, properly called connectives, the office of which is to unite together its various parts, to point out their relations and dependencies, and, in different ways, to modify the expression both of things and their actions. Language, therefore, cannot advance to any considerable degree of improvement without conjunctions, prepositions and adverbs;* or, instead of them, certain variations in the principal words, indicative of the same circumstances in discourse which they are designed to express.

These being the natural principles on which discourse is formed, the same elements or primary parts must be

* It has, with great plausibility been conjectured by a very ingenious writer of England, [Mr Horne Tooke] that, originally, discourse was entirely made up of only the noun and the verb; and that those subsidiary parts now embraced under one general denomination of *connectives*, were known at first, under the form of one, or other of the principals. According to this writer any sentence may, by some circumlocution, be expressed wholly in verbs and nouns; and this was its only form, when speech was in its rudest state. Adverbs, prepositions, and conjunctions are supposed to have grown out of the endeavor to abbreviate language, and render it a more facile instrument of communication; and when analysed and brought down to their first principles are, in truth, only nouns and verbs reduced to a form more convenient for discourse.

found in all languages. Hence the analogy which prevails in their respective grammars.

The next class of signs consists of those which represent by visible characters, the sounds of which language is composed.—Men desirous to impart their thoughts and feelings to others, who might be placed at too great a distance to receive them by oral communication, or solicitous to transmit them to posterity, and not willing to rely on the fidelity of tradition, must early have sought for some more faithful, and permanent means of recording them.—At first, they would naturally have recourse to such imperfect pictures or representations of visible objects as a rude unpolished age would be capable of depicting. But moral and intellectual ideas could hardly be imparted by this device.

Yet, by means of certain analogies which are supposed to subsist between sensible objects, and correspondent emotions, intellectual conceptions, and moral feelings of the soul, on which figurative language is founded, the field of picturesque writing is greatly enlarged. Thus, an *eagle* has been made an emblem of victory, courage, elevation of mind;—a *lion*, of strength, magnanimity, imperial rank;—a *dove*, of mildness, and innocence;—a *serpent*, like those encompassing the wand of Mercury, of cunning, genius, eloquence;—a *circle*, of

endless duration ;—a *globe*, of the whole material universe —Medals and allegorical pictures furnish innumerable examples of this analogical imagery ; and the poets abound with a drapery which shews to what extent this species of writing might be carried. Before writing was known to the barbarous nations of Scythia, when one of their princes sent to Darius a pair of wings, a mouse and an arrow, if he had been able to transmit a picture of these objects, it would have equally served to convey to a proud king this formidable defiance ; That, “ unless he could fly in the air like a bird, or hide himself in the earth like a mouse, the Persian arrows would overtake him.”

Painting, however, must still have been a cumbrous, unwieldy and ambiguous mean of recording the growing annals of nations, and the continually increasing improvements of science and the arts. But, in order to render it a more practicable vehicle of knowledge, it would, in time, be found susceptible of considerable abbreviations. The *head* of an eagle might be made to stand for the entire bird ;—the *beak* be used for the head ; even the outline of these figures, and finally a very small portion of the outline, come to represent the whole. In the progress of abbreviation and improvement, it is not improbable that some minute curvature, or complex inflexion, containing ever so remote a resemblance of

some principal or characteristic part of the original figure, and ultimately no resemblance at all, might stand for the object itself. This point in the progression appears to offer a natural introduction to those verbal or idiomatic characters, an example of which still exists in the written language of China, and some of the neighboring nations, which stand, not so much for words, as for the objects or ideas expressed by those words. Hence they have the advantage of conveying to one another intelligibly through the eye, what they could not explain by oral communication. To a very material disadvantage, however, characters of this kind are necessarily subject; —that, in order to express all the compass and variety of thought in a refined and philosophic age, they must be so numerous as to become extremely burdensome to the memory, and scarcely to be attained except by a few men who have devoted their lives to literary pursuits.

The ultimate improvement of written language consists in the invention of alphabetical characters, which are only the analysis of the sounds used in oral discourse, into their most simple elements, and of the modifications which those sounds receive by the approximations, or contacts, of the different parts of the organs of speech, expressed by visible symbols. The pure emissions of sound are designated by the vowel characters; the modifications of sound by the symbols of the consonants

which, being pronounced along with the vowels, produce various modifications of their utterance. It has been made a subject of enquiry among philosophers, if any thing in the process of abbreviating the painted symbols of language is calculated to lead to the invention of alphabetical writing; or, if it must have arisen merely out of some lucky and fortuitous suggestion of thought. Ingenious and reflecting men, perceiving by what brief and simple characters visible objects had come at length to be suggested to the eye, even after they had lost all resemblance to the original pictures from which the process had commenced, might very naturally be led to improve the discovery by employing similar hieroglyphic enigmas for recalling the objects of the other senses. This hint would be sufficient to point out the practicability of expressing by other arbitrary marks every thought of the mind.—Having advanced thus far in exhibiting by visible and arbitrary characters all the objects of discourse, and all the thoughts of the mind, or the words by which those objects and those thoughts are expressed, it would seem no difficult achievement of invention, afterwards, to divide these words into the simple sounds of which they are composed, and to indicate these also by similar characters. When this analysis is skilfully made, these primary sounds are found to be very few; and therefore the means of exhibiting to the eye, every word or

symbol of thought in the immense circumference of language would be proportionally easy. Whereas, if each word required a separate character to designate it, the number of these signs would overwhelm the memory.—The final accomplishment of an invention so important to the perfection of literature and philosophy, would, doubtless, be the result of one of those happy suggestions of the imagination, on which almost all improvements in science or the arts do originally depend; yet would the way to it have been gradually opened, and the final discovery greatly facilitated, by the series of abbreviations through which it has been seen that the painted symbols of language would naturally pass.

A circumstance which may well excite the attention of the philosopher to investigate its cause is the equality of the number of alphabetical characters in the written language of almost all nations.—This is, in a great measure, the work of nature herself.—The vowels or simple sounds, are necessarily emitted through the wind-pipe, the great passage for the breath. The variations of the vowel sounds, must consequently depend upon the apertures, and lengths or points of impulse, in that tube from which the voice issues. The principal variations arising from these causes can scarcely be more than seven or eight, corresponding, in some measure, with the notes of music: although there may be semitones or inter-

mediate shades of voice, to a greater degree of variety. All nations, therefore, have nearly the same number of principal vowel sounds.—The deepest or broadest sound, which is the French or German *a*, equivalent to *aw* in English, issues from the lowest part of the windpipe posited within the upper region of the breast.—The second, which is the open or short sound of the English *a*, as heard in the word *that*, is formed by an impulse of the voice proceeding from a point a little farther advanced in the organ; that is, by shortening that tube employed in forming the sound one note.—The next note, if I may continue the use of that term, in the progression, is that of the Greek *heta*, or the long and slender English *a*, and is derived from a point still farther projected, accompanied with a still narrower constriction of the tube.—The fourth, which is the long and slender *e* or *ee* of the English, or the French *i*, is emitted from the upper end of the same tube, where it opens with the smallest diameter into the region of the palate. At each grade in this series, both the length and diameter of the trachial tube, are successively contracted.—In the following tones expressed by the English *i*, *o*, and *u*, or the analogous tone of the French *eu*, a similar process is continued. The organ of the voice is prolonged by means of the palatial region, the mouth and the

lips, till, in the last of these sounds, the channel is produced to its utmost length, by a protrusion of the lips.

Between these several notes or tones we can easily conceive a semitone, or even lighter shade of the voice, which appears to multiply the vowel sounds. As examples we may give the various tones of the vowel *a*, in pronouncing the words *that* and *harm*; and of *e* in *the*, and *then*. There are also diphthongal sounds in which two tones are intimately blended, or follow one another in such quick succession as to form but one mass to the ear. But notwithstanding these shades of voice, the principal vowel sounds in all nations must be nearly the same.

As nature has thus provided for the uniformity of the vowel sounds in all languages, she has equally predisposed the organs of speech to a similar uniformity in the consonant modifications of those sounds. These being produced by various contacts, or very near approximations of the different parts of the vocal organs, they are consequently confined to a definite and very limited number receiving their several powers as well as their denominations, from the parts employed in their formation, as *labials*, *dentals*, *palatials*, *gutturals*. These contacts, in the simplest form, can hardly amount to more than fifteen or sixteen, although the consonant characters are more numerous in the written languages of most

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nations. This arises, sometimes, from employing different characters to indicate the same modifications, as *c* and *s*, or *c* and *k*, in English, and sometimes by compounding those simple modifications which easily coalesce, as, *ks*, *ds*, *ps*, *ph*, *kh*, *th*, among the Greeks, and indicating the compound by a separate character.—Such appears to have been the gradual progress of the human mind in the invention and perfecting of an art of the highest utility to mankind, and the basis of almost all other arts.—After alphabetical writing had been brought to some degree of perfection, all the previous arts of communication among mankind would, in time, be disused as being infinitely more laborious and obscure. One celebrated example, however, of that by painting, in its abridged and figurative form, long existed in the ancient hieroglyphics of Egypt. The Greeks who frequented the pontifical colleges of that country, in which resided all the science of the age, believed the hieroglyphic to be an art invented by the priests to conceal their knowledge from the common people, or from the prying curiosity of foreign nations. But as this species of writing consisted entirely in symbolic images drawn from the objects of nature, intended to clothe in this sensible drapery their moral and philosophical ideas, it is more probable that it was an art which preceded the invention of alphabetical signs. And having been long employed by the sacerdotal

and their sacred doctrines, it was not so readily changed for the new, although being the visible and ancient symbols of their learning and religion, it naturally held upon the prepossessions of a body of men devoted exclusively to religious instruction and investigation. In like manner have we lately seen the Latin language retained as the vehicle of science, by the learned men of modern Europe, long after the cultivation of their vernacular dialects, had provided them with a more convenient instrument of instruction. It is well known that whatever is connected with the external forms of religion, even by a slight tie, is usually retained with greater perseverance than other customs. —Hieroglyphic symbols degenerated into obscurity only by disuse, while they were still adhered to through ancient usage and prepossession. Inattention to these circumstances, or not ascribing to them their proper weight, has induced the belief, that they were invented by a cunning priesthood, proud of their exclusive learning, solely for the purpose of concealment.*

* In these hieroglyphic symbols we probably discover the origin of the animal worship of the Egyptians. The figures of different animals being portrayed in their temples, and exhibited in other public places as symbols of religious ideas,

Having made these observations on the art of communicating, and improving thought by means of vocal, and visible signs, and thereby carrying the intellectual powers of man to their highest perfection, I shall conclude this lecture with a very few general remarks on the invention and progress of other arts. Language, and the means of imparting it to others, and recording it to posterity by visible and permanent symbols, are undoubtedly among the most useful of arts. In taking a brief review of others, many are seen to be derived, in the first place, from the necessities of men. After these have been fully supplied, the natural wish of mankind, when they begin to feel themselves at ease, for more elegant accommodation, and more refined pleasure, will give birth to many more, and awaken the mental faculties to higher exertions. The fruits of these efforts we perceive in the infinitely diversified operations of human skill in polished society, designed for convenience, or ornament; and the refined gratifications of an elegant luxury, when compared with that rudeness which aims merely at the supply of wants of the first necessity, man seems to have advanced into the state of a superior order of beings.

attracted to themselves at last the popular veneration. As the images of saints, in some countries, held up as pious examples to the common people, too often became the objects of their worship.

The necessity of subsistence gives rise, in the savage state, to the arts of fishing and hunting. And, in a state somewhat further advanced, to the herdsman's art, and to that rude and temporary cultivation of the soil which we find among the barbarian nations. And these arrive, at last, in civilized society, to all the perfection, of the most improved agriculture, and care of cattle. As society advances, the necessity of guarding against the encroachments, or assaults, of enemies, gives rise to the various arts of attack and defence. Protection, which was sought at first only by the bow, the javelin, or the war club, comes to be maintained, at length, by every species of offensive and defensive armour, and the various arts of fortification, defence, and assault, which we have seen carried to such perfection in modern civilized warfare.—Interesting examples of the progression of the arts we behold in our clothing, from the skins of animals, which formed the first covering of the savage, to all the various and delicate workmanship of the loom, in our places of lodging and abode; from the first wretched wigwam of the savage hunter, or movable tent of the barbarian herdsman, to the villa, or the palace, adorned, with all the magnificence of structure, the convenience of contrivance, the beauty of arrangement, and the elegance of sculpture. And, to give no other example, in the mechanical arts, from the first rude axe made of a

sharpened flint, or the awkward lever formed to assist the strength of the arm in rolling a fallen piece of timber, to all the ingenious and complicated instruments for aiding the labor of man, and wafting the produce of his industry to the utmost regions of the earth ; for promoting the perfection of all the useful and ornamental arts ; and for perfecting the investigations and improvements of philosophy, from the water wheel which turns the mill, or the steam engine which cleanses the mines, to that immense machinery which measures the heavens, and penetrates, and displays, the whole structure of the universe.

Arts, in the beginning, must have been extremely rude in their execution ; and would often be made merely an appendage to other labors more immediately necessary for subsistence. In nations just emerging from barbarism, it would be long before each art would become a distinct profession, and occupy exclusively the ingenuity and industry of a separate artist. The separation of the arts, and the subdivision of each art into its distinct branches, is necessary to their perfection. And the simpler the division is, which is assigned to the respective workmen in that branch, with the greater beauty, and the greater expedition will the whole be finished.

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otherwise, be useless to himself, may
exchanged with others for the conve-
needs, or would gratify his taste. And
the execution of the several objects of
higher value would be placed upon them ;
the greater quantity of the labor of others would
exchanged for them. But this subject, however, has
already been touched at in a preceding lecture, and will
again come under review in treating of the general
objects of civil policy.

In considering human nature as susceptible of im-
provement, and pointing out its superiority in this re-
spect above that of all other animals, one of its most
important and honorable distinctions, is, its power of dis-
covering and connecting the principles of science. This
is a capacity of which not any trace seems to be possessed
by the brutes ; and in man himself it is unfolded only in
a very small degree, before his judgment has been ma-
tured by time and exercise, and his intellectual faculties

roused and directed by a careful and assiduous culture.

The basis of all true science rests on the uniformity of nature in all her operations. The nature of those internal energies, or powers, by which the several effects are produced which are called her phenomena, or appearances, are wholly unknown to the imperfect insight of man; we can distinguish them only by the qualities which they present to the senses. In examining things thus by their sensible qualities, we find a variety in the phenomena which belong to them respectively, and at the same time a perfect uniformity, in those belonging to the individuals of each class of subjects, which are discovered only by experience, and observation. When we perceive the same qualities always exhibiting themselves under the same circumstances, we conclude that there is some power or energy in nature which in the given state will always operate in the same way. The uniformity of the effects indicates a cause in the nature of things from which they flow. The essence of that cause we do not understand; but on the reality of its existence, and the uniformity of its action, we rely with a certainty proportioned to the number of our experiments, or the frequency of our observation. The unknown cause of this uniformity we call *a law* of nature; because it is considered as resulting from the *will* of the Creator, and operating by a certain *rule* prescribed by him in the con-

stitution of things. The phenomena are the effects, and the indications, of this law. Philosophers are continually discovering new classes of these uniformities in physics, and in morals, which are regarded as so many separate laws of nature. These separate laws, when collected together, in their proper order, and connexion, form what is properly called science. The knowledge of particular phenomena may gratify a barren curiosity; but they are of little real use, except, as they tend to establish some general law, which will enable the accurate observer to predict similar effects in all time to come, in similar circumstances, and to depend upon the result. Such general laws alone deserve the name of science, which enables us, by regular deduction, to infer the future, from what we know of the past. And, to the intelligent mind, these general conclusions furnish the only certain rules of conduct, to which man alone of all terrestrial natures is competent.—The discovery of general rules of moral conduct, is the great object of the science of morals. And this, as I have before said, must be derived from an extensive knowledge of human nature, and of the mutual relations of men to one another, and to their creator.

LECTURE VI.

CONTENTS.

Man, who has been considered as a species, now considered as an individual, with the properties of his compound nature,—body and spirit.—Of the spirit.—The question whether the rational and sensitive principles be essentially different from one another.—A more important question, whether the soul be not merely a modification of matter.—Things distinguishable only by their sensible properties, inasmuch as their intrinsic essences cannot be known.—Hence, the two subjects concluded to be totally distinct; and hence the physical proof of the immortality of the soul.—An objection against this proof, and against the soul surviving the body, arising from its being affected by all the diseases, and changes of the body; whence is inferred also, by many writers, its material nature.—Different opinions of philosophers with regard to what is called the material world.—The ideal, and immaterial systems of Berkeley and of Hume.

HAVING considered man as a species, and taken a cursory view of the properties which distinguish him from other species of animals, I proceed to consider him

in his individual capacity, and briefly to explain the principles which enter into the composition of his nature, with reference chiefly to its moral destinations.—In contemplating the nature of man, what first demands the attention of the philosopher, is its being a compound of body and mind. For whatever controversies may have arisen concerning the primary and ultimate essences of these respective substances, they are certainly, in the aggregates of their several qualities, as exhibited in the body and the soul of man, entirely diverse, if not opposite to one another. The body is a system of organs fitted for receiving the impressions of external objects in such a manner as to make their existence and their qualities sensible to the mind, and for acting upon them again as the mind's instrument. The mind is that external principle which is endowed with the faculty of perceiving, comparing, judging, and reasoning concerning things presented through the senses; and of directing our actions towards them.

With regard to the nature of the mind many disquisitions have been raised. And frequently with an injudicious boldness, which, leaving the plain but tedious road of experience and fact, plunges into the region of conjecture, where philosophy has often wandered, and perhaps, must always wander in inextricable error. Among other enquiries, it has been made a question

whether the rational principle be essentially different from the principle of sensation common to man with the inferior animals; or be the same, with only the added power of reflecting on its own sensations, comparing them, and deriving from them another ultimate sensation which is called its judgment, induction, or conclusion.

Some ancient sects held the rational and sensitive powers in man to be seated in two totally distinct principles,—the one *the soul*, the principle of vitality, or sensation; the other the *spirit*, the principle of reason.* With this the philosophic opinion of St. Paul seems to coincide, when he divides the departments of human nature into those of the *body*, the *animal soul*, and the *rational spirit* or *mind*.—Most of the moderns esteem the rational and sensitive parts of our nature to be only different powers, inherent in the same simple essence, the *soul*; receiving their denominations from the objects to which they are applied; and the peculiar action of the soul with respect to them.—To take an example from color; the soul, in the act of sensation, simply receives the impression of this quality through the eye; in the exercise of its reasoning powers, it may enter into various enquiries concerning visible properties; as, whether

* This was the opinion particularly of the Pythagoreans and the Platonists.

they are inherent in bodies, or are merely sensations in us? Whether these sensations have any resemblance to the objects which excite them, or are occasioned by some affections of matter which have no similarity to any sensation? Still the sensation, and the reasoning, are only different modes of acting of the same spiritual substance. On this diversity of opinion we may justly remark, that it is of small importance except to gratify a barren curiosity. When we attempt to pry into the essential constitution of things, a secret which nature hath placed beyond the reach of the human faculties, we dive into a bottomless ocean. We are not sufficiently acquainted with the nature of the inferior animals to know how far they possess the powers of comparison, or induction. And with regard to the spiritual part of our own nature, we know not its essence and texture. We cannot, in explaining its principles, go beyond the simple perceptions of consciousness. And when these are most carefully examined, we do not, in *reasoning* and *sensation*, perceive different agents, but only different exercises of the same sensible and intelligent nature.

But another question of higher moment, because it draws after it more important consequences, is; whether *mind* be essentially, or, in its primary principles, different from *matter*; and whether sensation and thought may not be the result of a certain organization of the body,

producing a peculiar refinement of its secretions, and ultimately a sensitive state, and action of its nerves, and fluids?—That matter is capable of refinement and activity to an indefinite degree, there cannot remain a doubt, since light has been discovered to be a body ; but, that it is susceptible of such a modification as is implied in sensation, and intelligence, must be mere hypothesis ; and one that possesses very lame pretensions to probability, none of the sensible properties of matter, as far as experiments have ever been made upon it, having the smallest analogy to the operations of thought. On the true principles of philosophy, therefore, the opinion which confounds mind with matter ought to be rejected. A more serious objection lies against it in the mind of every good man ; for, if we reduce the soul to the condition of perishable matter, the most reasonable foundation of gratitude to our creator for existence is removed ; the most powerful encouragements to virtue, and restraints from vice, are effectually destroyed, when we lose the natural hopes, and apprehensions of a future being. But a consequence still more fatal results from the principle of the materialism of the soul ; it annihilates the only basis on which can rationally rest the belief of a wise and intelligent creator of the universe. The ideas of a free, essentially active, and intelligent power presiding over the system of nature, can be derived

only from the exercise of similar powers within our own minds. If that active, sensitive, and rational principle which we call the soul, be only an emanation of matter organized in a certain form, all our religious hopes, and duties, are merged in the gloom of an eternal fatality: we induce all the laws of a blind material necessity. For, if the human soul be only a refinement of the corporeal essence; or, in other words, a secretion from the fluids of the body, the divine mind, if we admit its existence at all, can only be conceived to be a result of the physical actions, or elemental secretions of the universal material system—the *anima mundi* of the ancients,—the effect, not the cause, of infinite, unintelligent matter. Some religious men, however, who have embraced the materialism of the soul, have endeavored to rescue themselves from these cheerless consequences by resting the hope of immortality, and the resurrection of the body, and the belief of a moral governor of the universe, on revelation. This appears to be a preposterous jumble of ideas. Certain it is, that the friends of this doctrine are generally enemies of revelation; and there can be little doubt of the tendency of its principles to atheism. No writer, perhaps, has carried these principles out, with more wit and talent, and, I may add, with more audacity, to their ultimate, and legitimate consequences, than the French philosopher Helvetius. How they appear in the

hands of a christian divine, who endeavors to guard them with all the efforts of his ingenuity from their immoral results, we may learn from Dr Priestley's *essay on matter and spirit*.

The doctrine, however, of the perfect and essential difference of mind from matter has ever been received by the greatest, and the most numerous class of philosophers, and seems to rest on the most solid and rational grounds. For, although their essences be not the objects of immediate and direct perception, yet their properties, by which alone we judge of the nature of things, present them to our understanding as being in every respect different, and contrary to one another. The properties of the one we discern only through the medium of the external senses; those of the other are perceived exclusively by the powers of internal sensation, or consciousness. These sensations furnishing the mind with perceptions which are primary and original, their difference, and the different natures of the subjects from which they are derived, can be indicated only in the perceptions themselves. By a law of our constitution, this is the ultimate evidence which we can enjoy on any subject. And when we compare together the properties of body and spirit, what have color, figure, extension, taste, smell, which belong to the former, in common

with thought, volition, sympathy, affection and other purely mental qualities and actions? Body, moreover, we perceive to be composed of parts, separable from, and movable among one another; but, in every act of the mind, we are conscious only of one simple, indivisible essence. The one is naturally inert, and set in movement only by extraneous impulse; the other is self-motive. The actions of the one are governed by mechanical laws; the other is excited in its operations by laws which we perceive to be wholly variant in their nature from those which preside over the material world.—From this diversity, or rather opposition of properties, we infer, that the soul is not of the same substance, with the body; that the one cannot be a mere secretion, or refinement from the other, the result of a peculiar organization; but that they are in their nature and essence, as in their properties, entirely distinct.

From the spiritual and immaterial nature of the soul arises what is called the *physical* proof of its immortality. The destruction of bodies is occasioned by the dissolution, or separation of their parts; or by that rigidity which grows, in time, upon their elastic organs, and, at length, stops their action. The perfect unity, and simplicity, of the spiritual essence, and its natural and inherent activity, seem to place it beyond the sphere of those causes of dissolution which have been ascribed to

matter.—We are not, however, sufficiently acquainted with the nature of the soul to be sure that there may not be other causes which may finally produce an extinction of its active powers. We know that its actions appear to cease on the dissolution of the body. And although we discern no positive reason why it may not exist in a state of separation from the corporeal part of our frame, yet nothing but a direct revelation from the author of our being can ascertain a fact so desirable to all good men. There are, indeed, many moral probabilities of this truth, derivable from other sources, which have contributed to console the virtuous philosopher in other ages, before a clearer light arose to assist his reason. These shall be offered to your consideration in a future lecture. All that I can say of this physical speculation, is, that, although it offers to our reason no solid ground of confidence, it may be regarded as affording some corroboration to other arguments which find a more persuasive access to the heart.

An objection against the argument which we have just surveyed for the immateriality, and consequent immortality of the soul, has been derived from the fact of its being affected by all the changes of health in the body; and from the further fact of the reasoning faculty being sometimes wholly deranged by disease, or the malformation of some of its organs. Whence it is concluded

that, as the soul is dependent for the regularity of its exercises on the state of the body, it derives its existence likewise from the same source; and that, with the cessation of the vital actions, all mental action will equally cease; and the soul will consequently perish in the dissolution of this corporeal system.—The converse of this reasoning will demonstrate its weakness; for it is not more certain that the sound and perfect exercises of the soul depend, in a great degree, upon the healthful state of the body, than that the health of the body is reciprocally affected by the state of the mind. But, would any man pretend to infer that the corporeal part of our nature is, therefore, an emanation from the spiritual, and dependent upon the latter for its existence?—From the intimate connexion established between the different parts of the same nature, we ought to expect to find a mutual influence exerted by each upon the other. The exercises of the soul ought especially to be exposed to derangement in their action from any disorders in the corporeal system, or any mal-formation of its parts. For, the body being the organ of all its sensations, notices, and informations, any error or disorder in these, by perverting, in the same degree, the materials and ground-work of its reasonings, must proportionably impair the clearness of its perceptions, and the justness of its conclu-

sions.* It resembles a philosopher in his observatory, who is obliged to make use of defective instruments; or a man confined in a prison, who must form his judgment of all things passing around him from those erroneous means of intelligence to which alone he has access. His philosophic acuteness may remain as perfect as ever, but his primary informations being false or incorrect, will throw a necessary error into all his reasonings. Whatever errors, therefore, the infirmity, or disorder of the corporeal organs may introduce into the exercises of the soul, it does not the less preserve unimpaired its title to that immateriality, rationality, simplicity, and immortality of essence which we have ascribed to it. This is certain, that, at the approach of death, when the bodily frame is weakest, but, at the same time, its movements, as frequently happens, are most regular and tranquil—

* Insane persons more frequently err, perhaps, by some fault in the organs of perception, and the impressions of objects that are conveyed to the imagination, than in the conclusions of the reasoning power founded upon these. The mind may be impaired in the clearness, consistency, steadiness and comprehensiveness of the view it takes of a subject; but commonly, its deductions are more consequential and consistent, than the premises and data, on which they are founded.—The reasoning faculty may be sound, while the organs of the senses and imagination are so disordered, as to occasion all its perceptions, and conclusions to be confused and false.—They may be disordered only on one point, or subject—sometimes they may be alternately healthful and diseased.

least disturbed by disorderly impulses of the senses, the imagination, and the passions,—then the action of the soul has not rarely been found to be most vigorous and clear.

If the soul, in parting from the body at death, presents no sensible indications of itself in assuming a separate existence, this ought not to create any surprize, when we remember that a spiritual and immaterial essence cannot be an object of the senses. Still less ought it to beget any doubt on the subject of a future existence, since there are even material influences of so fine and subtle a nature as to escape all detection of the senses, while they may be accumulated in, or abstracted from different bodies, in the largest quantities. Of these we need no other examples than the familiar ones of electricity and magnetism.

Having made these reflections on the spiritual and immaterial nature of the soul, and on the physical proof arising thence of its immortality, I shall conclude this lecture with presenting to you a brief outline of a scheme which, about half a century since, attracted great attention from the philosophic world, supported by the ingenious names of Berkeley bishop of Cloyne, in Ireland, and the celebrated David Hume of Scotland. As maintained by Berkeley it was opposed to the existence of matter,

and as reformed and carried out to its ultimate consequences by Hume, it was equally hostile both to matter and spirit, filling the universe only with ideas.

The origin of this scheme is to be found in the ancient Aristotelian doctrine of ideas, revived by some of the most celebrated metaphysicians of modern times, and by none with greater authority than the profound and discriminating Locke. It was held almost as an axiom by these great men that *nothing can be perceived where it is not*. Therefore, the only way in which external objects are discerned, is by means of *images*, called *ideas*, or *sensible species*, sent forth on all sides from them, which, impinging on their proper organs, render those objects perceptible to sense. The sensible forms, or ideas of color, figure, sound, emanating from the visible and sonorous bodies around us, impart to us the only conceptions which we possess of these bodies. They are not the objects themselves which are perceived, but the images, forms, or ideas of them, whence their existence is only inferred through the medium of ideas which have no resemblance to the things which they represent. In like manner, ideas of taste, odour, touch, although their objects are immediately present, and act by direct contact with the sense, have no similitude to the causes, or that constitution of bodies, by which they are produced. Yet, by a certain order of nature, they become signs of the existence of

substances which are not themselves the objects of sense, and to which they are no way like.

These were received almost as undisputed principles of the metaphysical philosophy from the age of Des Cartes and Locke. Bishop Berkeley, at first, carried along with the stream of the general opinion, and embracing the system with unhesitating confidence, began to see, at length, ulterior consequences resulting from it, which the first moment had not presented.—If, according to the received philosophy, the ideas, or images in our own minds, are the whole of what we perceive; and if these ideas are only sensations in us, which, strictly and philosophically speaking, have no similitude to any external object, what right, demands this ingenious writer, have we to infer from these premises, the existence of *substances*, or *substrata*, for our ideas, which, it is acknowledged, are not themselves perceived? He concludes, therefore, that their existence is only a philosophical vision; and that ideas and sensations, which are all that we perceive, are all that exist, except the mind which perceives them. The mind, according to his system, is the only real existence in nature, wherein ideas and sensations follow one another in a certain order established by the Deity in the constitution of our nature. And this established order of ideas is the only sensible world with

which we are acquainted. It is the only one which exists ; and when it is not perceived it is nothing.

Mr Hume, pleased with the ingenuity of this reasoning, and equally a disciple of Locke's doctrine of ideas, immediately perceived its tendency to annihilate the spiritual no less than the material world, according to men's vulgar notions, and to reduce all to mere ideas. The very same argument which the bishop employed against the existence of matter, he saw operated with equal force against the notion of spirit. According to the old philosophy, we have no perception of the nature of a spiritual substance, more than of a material. We perceive nothing but our own sensations, and ideas. Why then should we suppose that any thing else exists ?—As Berkeley had pronounced body to be only a collection of co-existing ideas ; Hume regarded the human soul as consisting of successive trains, or collections of ideas, of which self-consciousness is always one. And this habitual, or central idea, forming an essential part of each train, constitutes the identity of the human soul.

Such is a brief outline of the schemes of Berkeley and Hume, than whom two more acute metaphysicians never existed. And if the ancient system of ideas which attained almost oracular authority from the penetrating and discriminating genius of Mr Locke, be admitted, the con-

clusions of these philosophers are irrefutable. The whole fabric, however, is too subtle, and too far removed from the apprehensions of common sense, to be true. The radical error of these visionary systems rests upon a principle which had long held the rank almost of an axiomatic truth in the schools of philosophy ;—that the direct objects of the senses are not external things themselves, but only the images, or ideas of those things. From this principle Hume and Berkeley have drawn the natural results, which were not foreseen by the philosophers who preceded them. But let the common apprehensions of mankind be received as truth ;—that external things are the direct objects of our perceptions, which we contemplate through the medium of the impressions that they make upon the senses, and the whole foundation of the ideal theories is removed. Those theories, which were leading the mind to universal scepticism, were received, at first, with great eclat by the philosophers of Great-Britain, on account of the ingenuity of their authors. But when the charm of novelty began to subside, and the tendency of the principles more clearly to be discerned, the mind soon returned in a retrograde direction to the calm and rational dictates of the common feelings of mankind. A number of ingenious writers, especially in Scotland, soon appeared against these novel doctrines, who studiously labored to set this part of philosophy on its proper

foundation—that common sense which it had deserted. In this field no writer has distinguished himself with greater zeal, ability, and success than Dr Reid of Glasgow, first in his treatise on *the human mind*, and afterwards in his essays on the *intellectual*, and the *active powers of man*. He is particularly admirable for the clearness and comprehension of his views, and the perspicuity of his elucidation. To no author is this branch of science, not to Locke himself, more indebted for its approaches towards perfection.

LECTURE VII.

CONTENTS.

Of the powers and properties of our nature, particularly as connected with its intellectual improvement, and moral destination.—And, first, of sensation.—Of the external senses—of internal—and of secondary sensations.—Of the manner in which the knowledge of external objects is communicated to the mind through the organs of sense.—The explication of certain appearances supposed by ignorance and superstition to be wholly supernatural, and to belong to the spiritual world, but derived only from disordered movements of our sensible organs.—A theory of dreaming derived from nervous motion.

HAVING taken a general survey of human nature, as composed of body, and spirit, it is requisite, in the next place, to enter into a more particular analysis of the respective powers of each, as they are immediately related to the subject of these lectures. They respect the means by which we become acquainted with the existence, and the nature of the things with which we are surrounded; the emotions of our minds towards them arising from their several qualities, or their adaptation to our feelings;

—the classes into which they are grouped, or pictures in which they are arranged by the power of imagination for our instruction and entertainment;—the inferences which we derive for the direction of our conduct from comparing, dividing, combining them through the operation of the reasoning faculty;—the affections of the soul called up by them, which are among the principal motives of human conduct through the agency of the will, the immediate principle of action;—subject, in an accountable nature, like that of man, to that sense of morality which, in the order of nature, is intended to govern all our conduct towards other intelligent beings.

The spiritual and corporeal parts of human nature are so closely united, or so intimately blended, that they are mutually affected by their reciprocal action. And it is not easy, in the operations of such a compound substance, to discriminate, at all times, those which peculiarly belong to the influence of the one, or of the other. Yet would this discrimination, often, be highly important, not only to the metaphysician, but especially to the physician, and the divine. The skilful physician will frequently have occasion to vary his remedies according as he apprehends the seat of a disease to reside chiefly in the body, or the mind. And there are many cases in which a judicious and honest divine might be relieved from much embarrassment, or mistake in the pastoral

advice, or consolations he is called to administer to his flock, by perfectly understanding the human economy, and being able to distinguish superstitious or enthusiastic impressions from genuine piety, and nervous sympathies from the hopes and fears of rational religion. I shall not attempt to ascertain the precise limits of their respective influences. We are not yet sufficiently acquainted with the secrets of nature to trace them to any considerable extent with minute accuracy. In the operations of the sensitive, intellectual, and moral departments of the human constitution, there are, perhaps, none that solely and exclusively belong to the corporeal, or the mental. Almost every human action partakes of a mixed nature, inclining in various degrees, chiefly to the influences of the one, or of the other. In their great outlines they are often clearly distinguished; but in their finer and more delicate features, it is impossible nicely to trace what may be ascribed solely to our material



Of these the first in its exercise, and in the order of human knowledge, is sensation: which, as it is derived either from outward objects, or from the action of the mind itself, is denominated external, or internal.—External sensation is that perception which we have of objects without the mind, and their qualities, through the instrumentality of the corporeal organs of sense.—Internal sensation on the other hand, is the perception we have of the operations of our own minds by the inward power of consciousness. All the knowledge which we can have of the nature of color, flavor or figure in external objects is derived from our sensations, and accompanies, by the constitution of our frame, the impression made by those objects upon the organs of sense. Each of those perceptions consists of a simple and ultimate idea, and can be explained by no artifice of language except by referring to our own sensations. In like manner we understand the nature of those operations of the soul which we call thought, volition, doubt, belief, desire, envy, hatred, love, gratitude, sympathy, and all others of the same class, by a direct and immediate perception or feeling of consciousness, when proper objects or occasions occur to excite them; of which no other account can be given than that such is the constitution of man, that in certain situations and relations in which we may be posited to other beings

and things, such perceptions or mental actions do naturally arise. Our own consciousness in the exercise of these acts is all the knowledge we have, or explanation that can be given of their nature. Our perceptions, therefore, of these operations of the mind, have been justly denominated *internal sensations*. Like our external senses, they furnish the ultimate ideas we can attain of their objects. And by them the internal world of thought is understood, as by the former we become acquainted with the external properties of material things.

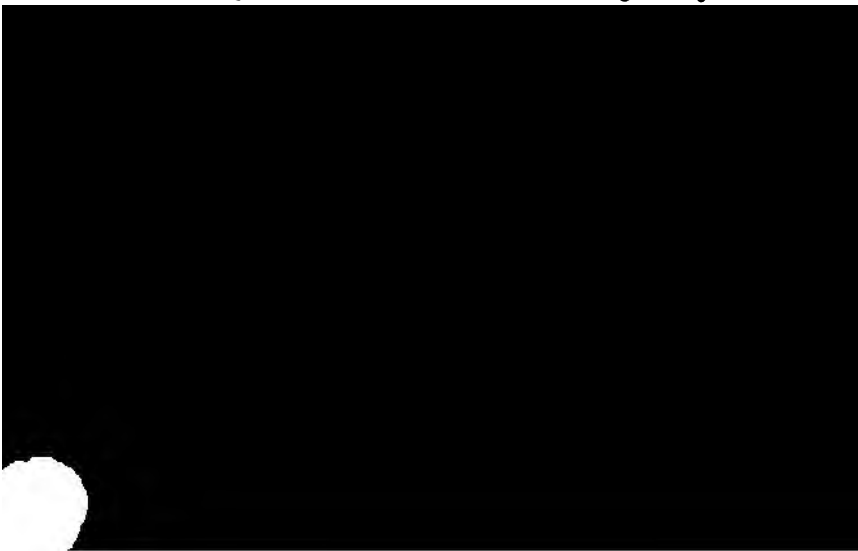
Internal sensation, however, has received a more extensive signification by several metaphysical writers, and been made to include the perception of certain qualities in external objects accompanied with agreeable or disagreeable emotions, besides the mere properties of color, dimension, figure, motion, or sound. Such are the perceptions of grandeur, beauty, proportion, harmony, and all those finer classes of ideas which occupy the regions of taste. By many ingenious critics they have received the general denomination of *secondary sensations*; because, although they impart simple, original and ultimate ideas as well as those of external sensation; yet they contain in them something additional to the primary indications of sense, and dependent upon them; but at

the same time, intimately connected with the finer powers of imagination and intelligence.

Having given this comprehensive analysis of the senses, both external and internal, I shall hereafter treat of them separately. But before entering on this detail, I shall offer to you some further reflections on the external senses, their nature, and the manner in which they impart the knowledge of their objects to the mind.

Through these primary inlets of our knowledge are introduced the only notions which we can receive of the nature, and the sensible properties of things: they afford us likewise, the only adequate proof we possess of the existence of an external world. The impressions of outward, and material objects upon the organs of sense, excite within us ideas of themselves accommodated to their respective natures, at least so far as it is the design of our creator that we should understand them. And these ideas are, at the same time, accompanied with a conviction of the reality of external objects; which are conceived to exist independent of our perceptions of them, and distinct from the properties by which they are exhibited to the senses. It is the admission of this principle which distinguishes what may be called the *substantial*, from the *ideal* theory. The substantial philosophers acknowledge that the essence which gives

support to the properties perceived by our senses, does not resemble any of these properties, and is not itself an immediate subject of sense. Their antagonists then demand why we should believe its existence? To which no other reply can be made than that such belief is an irresistible dictate of nature. We are as strongly led by the constitution of our nature to believe in the reality of an external world, as to believe in the existence of our ideas. And the truth is, when we examine into the foundation of our belief of the one, or of the other, it is simply the effect of the constitution of our natural frame, and the appointment of our creator. We have no other reason to assign for believing the axioms, or first truths of science, which are the clearest and most evident of all propositions. If we deny them, we have no basis for certainty on any subject.—The belief of them is a necessary and irresistible persuasion, or assurance resulting from the frame of our nature ; and embraces equally the reality of our sensations, and of the objects by which



color, or of sound. It is generally admitted to be by the instrumentality of the nervous system, which may be regarded as an expansion of the brain distributed in these fine and delicate filaments to every part of the body. But by what peculiarity in the structure of a nerve, or by what operations of the nervous system, the several indications conveyed by the respective senses are made, is a secret too deeply laid up among the mysteries of nature, to be disclosed by the present improvements in philosophy. It has been supposed by some writers that the impressions made by external objects upon the nerves are conveyed by them as natural conductors to the brain, the ultimate seat of sensation; or, as it has been expressed by others, the presence chamber of the soul, where she contemplates all objects as they present themselves to her, by means of their representative impressions.—That most ingenious metaphysician, Dr Hartley, and the disciples of his theory, attempt to explain this phenomenon by certain modes of motion, or vibration in the various departments of the nervous system, proceeding to and from the respective organs of sensation. Each object affecting the sense excites its distinct and primary vibration, or its secondary and minor tremors, dependent on the first, denominated by Dr Hartley *vibratiuncles*, which awake their correspondent ideas in the mind.—But still, how that *impression*, or

that *vibration* reaches the sensitive, and intellectual principles of our nature, and becomes the efficient cause of our ideas, is as far removed from our understanding, as profoundly locked up among the arcana of nature, as was the cause of sensation without the supposition of any intermediate mean. It is the action of matter upon spirit, which yet remains unexplained; and is, perhaps, inexplicable to the limited penetration of the human mind.* But let the principle be admitted, which carries with it, at least, strong probability, that all our sensations are connected with certain affections of the nerves, and are immediately occasioned by them, whether we call those affections by the name of impressions, or vibrations, or by any other denomination, and although we may be entirely unacquainted with the specific mode of their action, and even be ignorant how any mode of nervous action can be productive of sensation, or become the exciting cause of thought, yet the *fact*, that all sensation is connected with and derivable immediately from certain forms of vibration in the nerves, will assist us in solving some phenomena which have generally been considered as among the most inscrutable in the intellectual

* Dr Hartley, indeed, supposes sensibility to be a property of matter, dependent, for its living power, on a certain organization, and internal spring of action. On this principle he thinks he finds less difficulty in connecting thought with nervous vibration.

world. Among others, the idle tales of spectres, and apparitions of various kinds, the offspring of ignorance, and fear, nursed by superstition, may often be simply and naturally explained by it, in consistency with the known laws of human nature, when they are not the result, as too frequently they are, of deliberate knavery and imposture. It may assist us also in explaining the desultory, and irregular phenomena of dreaming.

The nerves consisting of very vibratory* strings, or elastic filaments, easily excited into movement by an infinite variety of external impulses, or internal agitations, if their motions, vibrations, or other affections are the immediate causes of sensation, according to this theory, then, by whatever impulse any motion, vibration, or affection in the nervous system is produced, a correspondent sensation, or train of sensations or ideas in the mind, will naturally follow. When the body is in regular health, and the operations of the mind are in a natural and healthful train, the action of the nervous system

* Some respectable writers deny the vibratory motion of the nerves, ascribing to them rather a perpendicular movement through their whole length, agreeing, however, in the general principle that sensation is produced by some mode of nervous motion as its immediate cause. The reader who embraces that hypothesis may substitute his own peculiar opinion, or mode of expression, for the vibratory motions supposed in the text. The result of the reasoning will be the same.

being affected only by the regular and successive impressions made upon it by the objects of nature as they successively occur, will present to the mind just and true images of the scenes that surround it. But by various species of infirmity and disorder in the body, the nerves, sometimes in their entire system, and sometimes only in those divisions of them which are attached to particular organs of sense, may be subjected to very irregular motions or vibrations. If any vibrations be excited in them similar to those which would be created by the actual presence, and impression of external objects of any form, or quality, unreal images of the same qualities and forms will be raised in the mind. Examples in illustration, or proof of this fact may be adduced from each of the senses. Light may seem to flash from the eye in consequence of a stroke. The ear may often be vexed by unreal sounds, and the eye by unsubstantial visions. The state of the nervous affections may be vitiated by intemperate indulgence, or by infirmity resulting from sedentary, and melancholy habits. Superstitions, fancies, or enthusiastic emotions, do often greatly disturb the regular action of the nervous system. Such strings and vibratory strings, may be subject to an infinite variety of irregular movements, sometimes in consequence of a disordered state of health, and sometimes even from peculiarity of constitutional structure,

which may present false, and often fantastic images to the mind. Sometimes a violent concussion on the head, or a lunatic affection of the brain, or the delirium of a fever, may produce such an irregular state of nervous action as to fill the imagination with wrong, imperfect, and confused conceptions, which become the cause of all the disorders that mark the discourse, and conduct of persons affected by these maladies. For, in madmen, and persons under the influence of a delirium, it is not so much the reasoning faculty that is impaired, as the sensitive powers which are disordered; and, presenting false images to the mind, become the occasions of its erroneous conclusions.—The errors of reason, in such cases, it is true, frequently arise from the rapidity and confusion of images crowding upon the fancy, which deprive it of the power of fair leisurely comparison, and of forming its inductions from a complete possession and survey of its ideas.

But returning from this train of reflection, permit me to offer to your consideration a few examples of false impressions, apparently arising from some of the causes which have been just suggested. You may not rarely meet with persons of enfeebled frames, or sedentary habits, who, suddenly rising from continued reading, or intense thought, have, by the irregular and vacillating movement communicated by the effort to the brain, and

optic nerve, perceived repeated gleams of light flashing around them. But no cause, perhaps, produces a more anomalous oscitancy or vibration of the nervous system, or of some particular portions of it, than habits of intemperate indulgence. And I have not unfrequently become acquainted with men who had been addicted to such excesses, who were troubled with apprehensions of supernatural apparitions. A peculiar imbecility of constitution, however, created by study, retirement, or other causes, may be productive of similar effects. And sometimes these nervous anomalies are found in men who are otherwise of active and athletic constitutions. But where they possess enlightened minds and vigorous understandings, such visionary tendencies may be counteracted by their intellectual energies. Yet have we sometimes known the strongest understandings overcome by the vivacity of nervous impression, which, frequently, is scarcely inferior to the most lively ideas of sense. This may, especially, be the case in two very opposite conditions; either, when the body has fallen into a gloomy temperament, and the mind is weakened by fears, in which case it is oppressed by distressful apprehensions; —or, on the other hand, when the nerves, the primary organs of sensation, are strained into an unnatural tension, and the whole system is exalted by an enthusiastic fervor to the pitch of delirious intoxication. When a man

is exalted to such a degree of nervous excitement, and mental feeling, his visions are commonly pleasing, often rapturous, and sometimes fantastic; but generally rise above the control, or correction of the judgment. The younger Lord Lyttleton, in the vision which he believed he saw of his deceased mother's form, shortly before his own death, may be an example of the former; and the Baron Von Swedenburg, in his supposed visions, sometimes of angels, and sometimes of reptiles, may be an instance of the latter.

It is of importance to remark, that the imagination which, according to this theory, is waked into action by nervous vibrations, and is furnished by their instrumentality with the materials of all the pictures, real or imaginary, which she is perpetually forming, has also a powerful reaction on the nervous system. According to its present tone, whether affected by superstitious dread, by melancholy terror, or enthusiastic rapture, or by any other strong and sudden impulse, it appears to have the power of recommunicating those vibratory motions to the nervous system which tend to giving complete form to those incipient images in the mind that correspond with its actual state of excitement; especially in persons whose fancies have been much disturbed in early life by the tales of nurses, and other follies of an injudicious

education. The tenseness and force of the vibrations in the nerves attached to the respective organs of sense created by these vivid emotions of the mind and fancy, give intenseness to every sensible impression. Whence sounds will be augmented to the ear, and images be made more glaring to the eye. Take for an example, the effect of some unknown and frightful object in the dark, on a timid and superstitious mind. Its fears are alarmed; they seize upon the imagination; the indefinite outline of some terrible image is suggested to it, according to the accidental state of feeling at the moment. Immediately, the imagination, which is always prone to give shape to its images, bodies forth some direful form. As soon as the first alarm has awaked this picture-working faculty, it instantly creates before the mind an image, which is only the completion of the confused and indefinite form which began to be traced, in consequence of the original shock. And, by its reaction on the nerves, gives to the portrait of the fancy a sensible subsistence, and a name. The pictures created by an enthusiastic temperament are generally of a cheerful kind; those resulting from a melancholy superstition, are more gloomy; but both are explicable by the same, or a similar analysis of the operations of nature.*

* One or two examples of known facts may contribute to render our ideas on this subject more intelligible, and to justify

This hypothesis, in the next place, that sensation, and with it the perception of external objects, is produced by means of nervous vibrations or impressions, if it have a just foundation in nature, may assist us also in explain-

the principles on which we have proceeded in our illustration. I knew some years ago, a very worthy lady who, anxiously watching by the cradle of a sick infant, and momentarily expecting its death, felt, as she believed, just before it expired, a violent stroke across the back of both her arms. From a tincture of superstitious apprehension infused in her early education, and unacquainted with any natural cause of such a phenomenon, she construed it into a preternatural signal of the death of her child. It was probably a sudden and convulsive contraction of the muscles in that part of the system, occasioned by the solicitude of her mind, and the fatigue of watching, which, aided by imagination in a very interesting moment, produced a shock that had to her the feeling of a severe concussion. That a convulsive contraction should take place in those particular muscles, need not appear strange to those who know how irregular and uncertain, is the whole train of nervous action, especially under the operation of some disorders of the body; and frequently, under the influence of strong affections and emotions of the mind.

A young lady, who was peculiarly susceptible of the impressions of fear in the dark, or at the sight of any of the accompaniments of death, attended the funeral of one of her intimate companions, who had died of the small pox. On the following night she lodged in company with a female friend of great firmness of mind. Waking in the night some time after the moon had risen, and faintly enlightened her chamber, the first object that struck her view was a white robe hanging on

ing many of the phenomena of dreams. This world of light chimeras, with its infinite irregularities, which can never be reduced to any rule, has attracted the investigation of many philosophers, to discover, if possible, its

the tall back of a chair, and a cap placed on the top. Her disturbed imagination instantly took the alarm; and in her agitation and terror, rousing her companion, she exclaimed violently that her deceased friend was standing before her. The lady, with great presence of mind, brought the articles of clothing, which had caused the alarm, and thus composed her fears. After she had become tranquil, and was able distinctly to recal her sensations, she declared that the perfect image of the deceased, just as she was dressed for her coffin, seemed to be before her sight. She contemplated it as long as her fears would permit her, before she exclaimed. She was sure that she recognized every feature of her friend, and even the pits of the small pox, of which she died, in her face. And she affirmed that before any tribunal, she would have been willing to make oath to this fact.

I have introduced this anecdote merely to illustrate the power of the imagination by its reaction on the nervous system, to complete the pictures that any sudden impulses of the senses, occasioned by surprise, or by superstitious, or enthusiastic feeling, have begun to form.—It is not a solitary anecdote of the kind. But I have selected it, because I am more perfectly possessed of the circumstances, than of many others that are circulated through certain classes of society.—Nor are these classes always to be found among the most ignorant and credulous.

The story of lord Lyttleton's vision has been variously committed to tradition. There are some circumstances, however,

causes and its laws. I shall omit taking notice of the various theories which have been advanced on this subject by different writers, and content myself with briefly suggesting that solution of the phenomena which

in which all the narrations, that have been published, concur. His lordship was a man who had worn down to a very feeble state, a lively and elastic constitution, and impaired a brilliant wit, by voluptuous and intemperate excesses. A few days before his death he imagined that he saw before him the perfect resemblance of his deceased mother, who denounced to him that on such a day, and at a prescribed hour, he should die. Under a constrained vivacity, his mind, during the interval, was evidently much agitated. And on the predicted day, and at the prescribed time, he actually expired.

This fact has been regarded by many persons, and those by no means of inferior understandings, as a decisive proof of the reality of apparitions from the spiritual world; and by others has been attempted to be resolved on a variety of different grounds.—The principles suggested in the text may, perhaps, serve to explain it in conformity with the known laws of human nature, if the theory of nervous vibration be admitted to be true, without resorting to the solution of supernatural agents. The irregular and convulsive motions in the nervous system which frequently arise from long continued habits of intemperate indulgence, might be especially expected in a constitution so irritable and debilitated as that of lord Lyttleton. If, either sleeping, or waking, or, in that indefinite interval between sleeping and waking, their disordered movements could present to the fancy, or excite in the visual nerves, the distinct image of a living person apparently resuscitated from the dead, which has been shewn to be a possible case, the debilitated frame of

seems naturally to arise out of the hypothesis which has just been offered to your consideration.—As sensation, according to this theory, is occasioned by certain vibrations, or motions in the nerves attached to the respective

his lordship, agitated as it must have often been, by the conscious apprehensions of his approaching end, may naturally be supposed to have predisposed them to such a vision. Conscience, notwithstanding his assumed gaiety, somewhat perturbed by the fears of death, and with the recollection of a pious mother, whose anxious admonitions had often endeavored in vain to recal him from his vices, and to fix his thoughts on his future existence, might naturally retrace her features in this formidable vision. It is not improbable that the whole scene may have been a kind of waking dream. Or if it was wholly transacted in sleep, it might have been with such a forcible and vivid vibration or impulse of the nerves, concerned in the formation of such an image, as would give it the distinctness and vivacity of waking sensation.—In the tumult of his spirits, and the fear-excited vibrations of his whole system, it is not strange that the image of that disappointed and reproaching parent, should be presented to him with a solemn and foreboding aspect. And it would be adding only one trait of terror to the scene already so well prepared to admit it, and one that is perfectly conformable to our experience of the desultory images of dreaming, as well as what we have learned of similar visionary impressions,—that a particular period should be denounced to him for his death, the symptoms, and presages of which, in all probability, he frequently felt in the tremors and palpitations of a breaking constitution. The principal difficulty in the minds of those who have only carelessly attended to this history, is to account for the exact correspondence of the event of his death, to the time fixed by the prediction, if it had no

organs of sense; those vibrations, or emotions, howsoever excited, will create similar ideas or sensations to those which would arise from the actual presence of any external objects exciting the same. During our waking

other foundation than nervous impression.—The imagined prediction itself, was sufficient, in a debilitated and exhausted constitution, like that of lord Lyttleton, to produce its own accomplishment. Seizing upon his fears, in spite of his reason and philosophy, for a life of dissipation and sensual excess, generally, very much weakens the powers both of the mind, and of the body, it would naturally throw his whole system into great commotion. These perturbed and tumultuous agitations would increase as the destined moment approached, till the strength of nature failing, may well be supposed to break at the point of extreme convulsion; that is, at the expected moment of death.

To a case analogous in many respects, to that of his lordship, there are many witnesses still living in the city of Philadelphia. The contrast in the issue of the latter, serves to confirm the solution which has just been given of the former.—Mr Edwards, a clergyman of the baptist persuasion in that city, of a tendency somewhat addicted to melancholy in his habit, but, otherwise, of a vigorous constitution, had, like lord Littleton, a visual impression, so clear and distinctly defined that he mistook it for a supernatural messenger from the spiritual world to announce to him that, at the end of a certain period, he should die. He was so persuaded of the reality of the vision and the verity of the prediction, that he took leave of his particular friends, and of his congregation, before the appointed day. On the evening of this day I saw his house filled with spectators and enquirers, awaiting with solicitude the catastrophe of this extraordinary

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ing, spectators, that he was just expiring.
His frame had been as weak and delicate
as he could not have survived the agitations,
most convulsions, into which he was thrown.
It had been another prediction, and another
appearance, as extraordinary as those of lord Lyt-
ton's constitution triumphed. And he remained a
man to prove the force of nervous illusion, which, in this
subtlety it has proved in many others, appears to have
borne to an image as clear and definite as could have
been produced by the actual presence of such an object as
was supposed to have created it.—I would hardly have ventured
to relate such an anecdote, if there were not ample testimony to
its verity still existing. The good man was so ashamed of his
delusion, and it so much lessened his credit with his spiritual
flock, that he was obliged to leave the city, and the church
where he had formerly been highly esteemed, and retire to a
remote position in the country. Many anecdotes to confirm the
reality of *nervous sensation*, if I may apply that phrase to
designate those *sensible perceptions* which are sometimes raised
in the mind, without the presence or aid of external objects,
must have occurred to those who have had extensive opportuni-
ties of practically observing human nature.—With several per-
sons I have been acquainted, and, those by no means of inferior
understanding, who have been firmly persuaded of the ex-

movement which is most favorable to a proper representation of the truth of things. In sleep the excitability of the nerves, though in general very much allayed, is still preserved. Like the brain from which they origin-

istence of the spectres indicated by such *nervous* affections, and have, on some occasions, held conversations with them, real on their part, imaginary on the part of the supposed spectre. Such perhaps, in general, are the disciples of the baron Von Swedenburg. But illusions of this nature are not confined to this class of men alone.

Dr Van Clève, of Princeton, was lately applied to as a physician, on behalf of a man who had reduced himself by intemperance, to a state of very distressing nervous irregularity. He was continually disturbed by visions, sometimes of the most frightful, and sometimes of the most fantastic kind. He often heard strange voices; and would ask, and answer questions, as if engaged in conversation with some of his visionary personages. His disorder, the doctor said, was evidently not of that species which is usually denominated mania, but appeared to be wholly the effect of a habit of nervous irregularity induced by previous intemperance. But the baron Von Swedenburg, in his most visionary moments, was never surrounded by more extraordinary assemblages of strange sights.

A very striking example of the power of nervous impression occurred a few years ago in the Rev. James Wilson, formerly assistant minister, with Dr Rodgers, in the first presbyterian church in New-York. He was a native of Scotland, and was a man highly esteemed for his good sense, and the soundness of his judgment; although not distinguished for a warm and popular eloquence. Being obliged for a time to relinquish the

theory of nervous sensitive vibration, already proposed; every vibration must be accompanied with some incipient, or transient sensation; though much fainter in general than that which is connected with any waking action of the nerves. And each vibration of these fine, elastic filaments, is commonly obliterated or checked by the succeeding, as fast as these irregular and transient motions follow one another. Hence the sensations excited in sleep, and the consequent operations of the mind, are as desultory and irregular as nervous action in that state. The train of perceptions is not kept up by the regular succession of external objects, nor the course of thought regulated by the active direction of the will. In sleep the energy of the will over the movements of the body, or over the order of objects presented to the senses, and the current of mental reflection, is entirely suspended. The mind is, therefore, left merely to the unconnected impulse of nervous excitement.—This excitement, however, is sometimes so feeble as not to leave any trace upon the memory. Sometimes, at waking, we are able just to catch some vanishing traces of an image that seems to have been more distinctly formed in sleep.

his returning strength, and successful eloquence, he would then have encouragement to proceed farther. He actually came to New-York with the intention to put this experiment into execution; but died in that city shortly after his landing. He published one discourse introductory to the design.

Frequently, when an image has been half formed, or a sleeping landscape partly sketched out, a new impulse has broken the continuity of the picture, and hurried the imagination into another scene. If the nervous vibrations are at sometimes very faint, so as to produce small excitement on the powers of sensation and imagination, at other times they are lively and strong, and create a very, vivid picture in the fancy that will be distinctly remembered afterwards. And, by the reaction of the imagination, which has before been spoken of, upon the brain and nervous system, the presence of one lively idea will frequently excite a whole connected train of vibrations, and with them a connected train of images, presented before the fancy, and sometimes even before the reasoning faculty; especially if intense, and continued thought during the day, has impressed on the nervous system an habitual tendency to certain movements. This regularity of imagery, or thought, may continue till some other desultory vibration break in upon the train to diversify it, or divert the mind to new fancies; or till the torpor of sleep, seizing more deeply on the system, relax its action, and sink the whole for a time in oblivion.

Some constitutions, by their natural structure, and some by induced habits, become much more irregular, and desultory, more tense or lax, more quick or languid, in their nervous movements than others. This will ac-

sordingly have a various influence on their perceptive, or their visionary powers, and tendencies, either sleeping or waking. The precise nature and degree of these influences and tendencies, it is beyond our present knowledge of the interior of the human frame to point out. But, there can be no doubt, that, by various kinds of bodily disorder, they may be greatly augmented. And the vivacity of nervous vibration may, in the absence of all sensible objects, be sometimes increased to the degree of actual vision, hearing, or feeling ; so that, in light sleep especially, or in the interval between sound sleep and the perfect self-possession of complete exsuscitation, it may often be difficult or impossible, to distinguish a dream or half waking vision of this kind, from the clearest impression of sense.—This is the more likely to take place, if the mind has been extremely agitated on any particular subject which has deeply interested its passions, especially those of grief or of fear. For taking firmer than others upon the constitution, and acting with a more fixed and continued impression, they create an habitual tendency to strong, and irritable movements, and to gloomy images.

Although hypothesis can never afford to the philosopher a sure basis for solving the phenomena of nature, yet does the doctrine of nervous vibration, being the proxi-

mate cause, or medium of sensation, afford so easy and natural an explanation of the phenomena of dreaming, as well as those of spectral apparitions, as to yield an additional confirmation of the truth of the principle.

LECTURE VIII.

CONTENTS.

*Of the external senses.—Of smelling,—tasting,—touch,—
hearing,—seeing.*

AS all our knowledge is originally introduced into the mind through the avenues of the senses, I have already taken a general view of the principle of sensation in the human constitution, and proposed a hypothetical theory concerning the mode in which the ideas of external objects are conveyed by these organs to the common sensory. I have afterwards attempted, on the principles of this theory, the solution of two curious phenomena that frequently occur in the operations of the spiritual part of our nature, when the regular action of the external senses is either perverted by disease, or entirely suspended in sleep.—The former consisting of false impressions on the senses; and the latter of the very common operation of dreaming: both of which are explained by what may be called *nervous sensation*, in contradistinction to *external sensation*, or the natural action of the external senses.

But it is time to go into a more particular analysis of these several organs of information, with their modes of

action, and transmitting their different kinds of intelligence from the external world to the soul.

OF THE SMELL.

The lowest, perhaps, of our external organs of sensation in point either of the importance of its informations, or the pleasures it affords, is the smell. Yet is it the source of many agreeable and exhilarating sensations ; and while we are surveying the fine landscapes of nature, it often serves greatly to augment the innocent gratifications which we derive from ten thousand varied objects through all the other senses. It is, by the goodness of the creator, frequently intended simply to contribute somewhat to our pleasures, and thereby to promote the enjoyment of existence,—as in those odoriferous flowers and gums which scent the air, diffusing round them their delightful fragrance. Sometimes it is benignantly intended as a guard to our health, by indicating the salutary along with the agreeable qualities of food ; or by being offended with putrid and noxious exhalations. The olfactory nerves, by the beneficent wisdom of the creator, terminating in the nostrils, through which we are continually inhaling the atmosphere impregnated with its odoriferous effluvia, the smell seems to be placed like a sentinel in advance, and always at his post, to watch either for our pleasure, or our safety. By the

admirable structure of the vessels in the nostrils, appointed to guard the termination of the olfactory nerves, they are so constituted as to take up from the atmosphere in its passage, only its odorous effluvia, repelling, at the same time, every other substance which enters those channels.—As the organ of this sense opens immediately into the region of the palate, and the tongue, we find that the smell has, in many respects, a considerable affinity with the taste; which is the sense next in the order in which I have proposed to treat of the sensitive portion of our system.

OF THE TASTE.

The sense of taste is that power which resides in the tongue, as its organ, of perceiving the flavor, or relish of the sapid objects applied to it. The same difficulty attends the explanation of this as of the other senses;—to understand how the application of any substance to the external organ can convey its appropriate sensation to the mind. The probability is that it effects the purpose of nature by some modes of motion, vibration, or alternate contraction and expansion in the nerves belonging to the tongue. And anatomists have discovered that its superior surface is filled with small conical protuberances, which occasion its peculiar roughness, and having openings at the top like mouths, in the centre of which are very fine papillæ that seem to be the terminations of

nerves destined to convey the sensations of taste to the common seat of perception. These papillæ appear to be variously moved and agitated on the application of any pungent substance to them. Thus far we can trace the process of taste by actual experiment and observation. But here we must stop. The farther connexion between these nervous movements, and sensation, eludes the penetration of the human mind.

The natural pleasures, and pains, or disgusts of taste, which are such as affect us before the relish has suffered any considerable alteration by habit, are usually indications of what is salutary, or noxious in food. We may justly regard it as one proof of the benignity of the creator, and his attention to the happiness of man, that he has annexed the pleasures of taste to the demands of appetite, when sustenance is necessary, or useful; and, not less so, that he has caused indifference, or satiety to follow its gratifications, when further indulgence would be injurious. It deserves to be remarked, however, that nature only in her undepraved simplicity verifies these reflections. For taste, it is known, by a too common experience, may be so perverted, by vicious habits, as to disrelish wholesome food, and solicit what is noxious; and the appetites of hunger and thirst may be depraved to such a degree as importunately to urge men to the excesses both of gluttony and intoxication. But, it be-

comes every man to remember that the author of our nature has placed the demands of this sense, and of the appetites connected with it, under our own direction and control, in order to exercise our virtue.

It merits your consideration, likewise, as philologists, that the term *taste*, in the English language, is used in three different significations. In the first, it implies that quality in a body which is capable of exciting the sensation of any particular flavor or relish in us.—In the second, it implies that power or sense, which is capable of perceiving the relish of a body when applied to the tongue. And, lastly, it implies the sensation itself excited in us. A similar remark, however, is applicable likewise to the terms by which the other senses and their objects are expressed; as sight, sound, odour, feeling, smell. But this variety of application being more frequent and familiar in the word *taste*, than in the terms appropriate to the other senses, seemed to require the observation in this place.

OF TOUCH.

The sense, of which I have proposed next in order to treat, is feeling, or touch. Of this sense the whole body is the organ. Its pains are indications of danger, which powerfully incite us to guard against the offending object. But the greatest portion of our sensations arising

from feeling are of that indifferent nature which shew the presence only of innoxious bodies. The principal part of its pleasures arise from soft and gentle motion across the surface of the skin, and from moderate warmth. These furnish in general its positive enjoyments, which are very much heightened by succeeding to painful feelings. The release from pain may itself be considered as a negative pleasure, which will always be enjoyed in proportion to the antecedent suffering.

The direct objects of touch are hardness, softness, figure, heat and cold. But almost all bodily sensations, except those of light, color, sound, odour, taste, may be referred to it. Among the direct objects of this sense, however, there is this remarkable difference,—that hardness, softness, and figure, are considered as real properties of body, as well as sensations in us; whereas, heat, and cold, as perceived by us, are not regarded as real properties of the bodies exciting these sensations. There can be no doubt that the qualities which cause these sensations, must exist in those bodies; but as they exist in them, they are very different from the sensations which they create in a percipient mind. Heat and cold are therefore called secondary qualities of bodies; the others are called primary. The sensations afforded to the touch by the latter are almost all indifferent; but

those produced by the former, are, as generally, either pleasing or painful.

I question the propriety of the distinction which has been made by philosophers between the primary and secondary qualities indicated by the touch, at least in the extent to which it has been carried. The sensations of hardness and softness as perceived by us, appear to me to be no less different from their causes, which consist in the immobility, or facile movement of the parts of bodies among themselves; than the sensations of heat and cold, from their causes, which consist in the glowing, or tendency to produce congelation of the bodies which excite them. The distinction, even if it were well founded, merits small consideration, as it involves no essential, or important consequence either to physics, or to morals.

But the highest pleasures, or the severest pains of feeling, do not arise from any of those corporeal properties which have been mentioned as the peculiar objects of the sense of touch. To impose a proper restraint upon the former often requires the highest exercise of virtuous self-command. And perhaps a no less exercise of virtuous firmness does it frequently require to overcome, in the discharge of duty, the dismaying terrors that arise from the latter. For the happiness of mankind, undoubtedly were formed the different sexes; yet, how

much of virtue consists in the prudent restraints which should regulate their intercourse? On the other hand, how much of vice consists in that cowardice which is not able in the discharge of our duty, to encounter or support the pain of dissevered nerves, or wounded limbs? And it deserves especially to be remembered by every virtuous disciple of philosophy, as well as by every christian, that the power of resisting pleasure with dignified temperance, or, on the other hand, of enduring pain with unshaken magnanimity, depends, in a great measure, on a vigorous habit of the will, under the direction of firm and established principles of virtue. Courage and contempt of pain, as well as the control of pleasure, are qualities which may be acquired by proper culture, even where they have been denied by nature. By cultivating a vigorous command of will, men, originally of infirm nerves, may not only gain the power over themselves, of meeting the greatest perils with calm and steady fortitude; but may in a degree blunt the exquisiteness of suffering. Another fact equally true, and perhaps more obvious, is, that high passions, and strong emotions, do often extinguish, in a great measure, the sense of the severest bodily pains; or the attention of the mind is so entirely absorbed by them, that the pain is scarcely perceived. The verification of this fact is often beheld in the elevated sentiments of military honor, in the ardent

glow of patriotic fervor, and above all in the strong religious affections which have so often animated, and supported the martyr.

OF HEARING.

I proceed in the next place, to offer a few remarks on the sense of hearing. The seat of this noble and exquisite sense is placed within the cavity of the ear. The sensations peculiar to this organ are excited by pulses or tremors of air propagated from the vibrations of tense and elastic bodies, collected by the various channels of the external ear, into its interior cavity. Thence their undulations are communicated by means of its fine machinery to the brain. Sounds are enumerated by many writers, among the secondary qualities of bodies. The sense of hearing furnishes to the mind a very large proportion of its most refined and exquisite enjoyments, and puts into its possession the means of its most extensive informations. By means of those natural sounds which the Author of our being has appointed as the immediate expression of our wants, emotions, and passions, we are often able through the sense of hearing, to discern the inward state, perceptions, desires, or apprehensions of the soul. But it gives to our use a much more ample range of information by means of those artificial sounds which have before been shewn to be the instituted signs,

by which all the objects of knowledge are expressed, and all the ideas framed by the mind may be communicated to others.

To the ear, likewise, belong the fields of melody, and harmony, or those charming modulations of sound which constitute the art of music, and are so well calculated to call into action many of the finest feelings and powers of the soul, and to exalt all its pleasures.

Sounds are distinguished by intensity, and by tone. The intensity of sound arises from the density of the pulses of air, and the force with which they strike upon the ear. Tones being the natural language of sentiment, the heart, by a happy composition of these, along with a due variation of their intensity, may be agitated by every emotion and passion in its turn, and the most varied moral and natural landscapes may be depicted to the fancy, or the heart, by the harmonious power of modulated sound. The emotions of gaiety, or pensiveness ; the passions of rage or of love ; the noblest, or the softest movements of the soul, may be inspired by it at pleasure. Through the sense of hearing it is that the ordinary intercourse of mankind is maintained ; that intercourse, so beneficial to their interests, so necessary to their happiness. To it the orator principally, and the musician entirely, addresses himself. And both these artists are known to possess a

glow of patriotic fervor, and above all in religious affections which have so often supported the martyr.

OF HEARING.

I proceed in the next place, to the sense of hearing. The exquisite sense is placed within sensations peculiar to this tremors of air propagated by elastic bodies, and the external ear, the variety and importance of undulations are, the compass of the enjoyments machinery to its existence, stands in the first place, is writers, and the sense of hearing. Its delicate, and beautiful organ with the admirable structure of which you portion already been made acquainted in the science of puts forth. As it is the principal inlet of knowledge, and information the most commanding feature of the human countenance, so it usually expresses, more than any other feature, the dispositions, genius, emotions, and the whole character and energy of the soul. Hence it is that the orator often finds his access to the heart with the greatest success through the eye.

degrees of its information it takes in the whole
 of nature, and the whole compass of
 of thought. Of those arbitrary signs,
 compose the written language of
 extensive command. And, in
 convention of letters, the arts
 has been cultivated, knowl-
 edged, preserved, imparted, and
 communication, more successfully than by
 means. To them civilized nations are chiefly
 indebted for their superiority over the savage, and half
 civilized tribes of men; and human nature itself for its
 nearest approaches to superior orders of being.

It is necessary, in the next place, to enquire what are
 the proper objects of this sense, and what are the in-
 formations it affords?—The primary and original per-
 ceptions of sight are of superficial extension, and figure,
 of apparent magnitude, of light, shade, and color. These
 ideas, when presented to the mind naked, and single,
 abstracted from their combinations, and the charming
 influence of the imagination, seem to offer to the intel-
 lectual faculties only very dry and meagre objects of
 contemplation. But when nature is suffered to operate
 freely, and we are not endeavoring merely to analyze
 the skeletons of our ideas, this sense, aided by the
 mysterious powers of the imagination, clothes its objects

with certain indescribable forms, and spreads over them a glow of beauty which are but feebly expressed, or rather, are not expressed at all, by the terms figure, extension, light, shade, or color.

It is of some importance, likewise, to consider the manner in which the notices of external things are conveyed to the mind through the eye. When this organ is in a sound state, and any visible object is placed in a proper position to it, it is known that the light reflected from its surface into the pupil, is so converged, by the refractive powers of its various humours, on the fine expansion of the optic nerve at its bottom, as to form there a perfect image of that object. The machinery of the eye thus far we can trace. And it is farther evident that the eye discerns its object only through the medium of this image ; because, if the light is intercepted so that no image can be formed, or if the optic nerve is disordered so as to disturb the regularity of the image, the object cannot be discerned, or is distorted with every distortion of this visual picture. But when we would proceed farther, and explain how a picture stained upon the retina produces a perfect perception of an object without, in attempting to develope this, the fine and secret operation of nature eludes our penetration. Or, if we say, with the philosophers already mentioned, that every vibration of a nerve is accompanied with its peculiar

sensation, so that each ray of light which enters into the spectral image formed at the bottom of the eye, exciting, according to its color, inclination, and impulse, a correspondent vibration, and consequently its correspondent sensation, terminating, like all sensitive action, on its type without, although it should seem to advance us one step in our progression towards solving this mystery, must still leave us remote from any clear and distinct apprehension how nervous motion is productive of sensation, or how any vibrations in the optic nerve are connected with the external objects of our perception. Our sensation does not lead us directly to the consideration, or perception of the vibration in the optic nerve by which it is excited, but to that of the object from which the image is reflected to the eye.

All philosophers have not concurred in the doctrine of vibrations; though all agree that vision is effected by means of images, or pictures of external objects at the bottom of the eye. Some have supposed that the mind contemplates only those images, and thence infers, by a regular process of reasoning, the existence of the objects which they represent. The error of this opinion must be evident to every person who reflects, that very few of mankind are even acquainted with the existence of these ocular images. And those who are, have this further proof of the falsehood of the conclusion, that the picture

of every object in the eye is painted in an inverted position ; whereas the object as it appears to us is erect. It is not the ocular image, therefore, that the mind contemplates ; but the object itself, which, by some mysterious process of nature makes its impression on the mind, through the medium of that image the existence of which is unknown to the greater part of mankind, and unthought of by all. It was this error in the philosophy of Mr Locke that gave rise to the ingenious, but absurd systems of bishop Berkeley, and Mr Hume, of which I have before spoken. By the laws of optics it is known that the rays of light from the superior and inferior parts of all objects, as well as from the sides, necessarily cross one another at entering the pupil of the eye. Hence the inversion of their images on the retina. And the visual ray or line of sight, being in the same direction with that of the rays of light, and consequently crossing in the pupil also, the effect is reversed, and the object is presented erect.—With regard to the various coloring of the external world, an important discovery has taught philosophers, since the days of the great Newton, that color exists neither in the mind, nor in the objects themselves which we contemplate, but in the rays of light reflected from their surfaces.

With one or two miscellaneous observations I shall conclude this lecture.—The real magnitudes, figures,

and distances of bodies, we learn to know originally only through the sense of touch; but we may by experience acquire a perception of them likewise by the eye. Figure is determined from the relations of light and shade. Magnitude from distance previously known, compared with the angle presented by the object at the eye. And distance from real compared with apparent magnitude. The laws by which these calculations are made are properly the objects of natural, and mathematical science.

LECTURE IX.

CONTENTS.

Of internal sensation—divided into three classes; those sensations which relate to the acts and sentiments of our own minds; those which relate to the fine arts; and those which relate to morals.—The second of these only pursued in the present lecture. Their relation to morals. Divided also into various classes;—that of sublimity—of beauty—of harmony—of the imitative pleasure—of the ridiculous.—Of the sublime—its nature—its sources—its end.—Of beauty—of the effect of associations—the cause of the different tastes of beauty in different nations.—Of the ingredients of beauty, color, figure, motion.—Of the subordinate ideas in the beauty of figure, order, proportion, fitness. The moral end of this taste.—Of motion. The moral relations of all these ideas.

HAVING considered the outward senses as the organs through which we receive all our ideas of external objects, it remains, next in order, to treat of internal sensation, or that provision in the constitution of our nature, by which we become acquainted with the powers and acts of our own minds. The primary, and

original perception of any quality, which cannot be understood except by the impression which it makes upon us, or the feeling it excites, and which, if that impression be not previously made, or that feeling excited, can never be rendered intelligible by any power of language, is properly called a *sensation*. And the faculty, by which that quality is perceived, and which is susceptible of that feeling, is properly denominated a *sense*. If this definition be just, we have the same reason to ascribe our knowledge of the properties, and operations of the mind, as of body, to a principle of *sensation*. The nature of color, or of sound, of corporeal pleasure or pain, we understand only by actual impressions made on the external senses of sight, of hearing, and of touch. In like manner, it is only in the actual exercise of *thought*, and in the impression it makes upon the mind, that we come to understand what *thought* is. By the same process we arrive at the knowledge of what is meant by the expressions, *I love, I hate, I doubt, I am convinced, I will, I believe, I remember*, and a thousand other operations of the soul, which are clearly perceived only by its reflex powers turning its attention inward on its own acts. Hence likewise, those general terms love, hatred, reason, faith, volition, right, wrong, and others of the same class found in all languages, and derived from these previous operations, are rendered intelligible. The ideas of internal,

external sensation have this analogy with those derived from external sense, that the notices they afford are simple. There are no others more simple and obvious by which to explain them. We can render no account of their origin but that such is the constitution of our nature, that we should be capable of such acts of the mind, and that exerting them, we should be conscious of them, in which consciousness all our knowledge of them consists.

The external senses are obviously distinct from one another in the structure of their several organs, and in the nature of the ideas which they impart to the mind. Internal sensation, likewise, furnishes it with various classes of ideas which are not less various and diversified in their nature than the external. The simple essence of the soul, however, seems not to be divided, nor divisible into different organs of sensation. But, as the whole body is the organ of external feeling, so the whole soul being occupied in each spiritual, or mental perception, the various classes of these ideas may, perhaps, be regarded as different *modes of internal feeling*. And each mode of feeling, embracing a separate class of ideas, may be considered, if you please, as a separate sense. As this classification, however, has never yet been made on account of the subtlety, and the indefinite limits of the ideas which compose the respective divisions, I shall

not attempt it in this place. Yet, we familiarly speak of a sense of order, a sense of propriety, a sense of beauty, of right, and wrong, and many others, which have been selected on account of their importance, and formed into distinct classes. Of a few only of these I shall take notice, for the sake of illustration, arranging them under three more general divisions :

1. Those which relate to the acts and sentiments of our own minds.
2. Those which relate to the fine arts.
3. And, lastly, those which relate to morals.

The first division, which consists of those sensations or perceptions which make us acquainted with the acts and sentiments of our own minds, is referable entirely to the head of consciousness or reflection. I am conscious, for example, of the general fact of my existing. The great Des Cartes thought that he ought not to assume that proposition on the ground of sensation without first demonstrating its truth, for which purpose he framed this syllogism;—*I think, therefore, I exist*. He did not sufficiently advert to this fact, that *thought* is not more obvious than *existence*; our existing is as evident and certain a truth as our thinking; both resting on our *consciousness*, or that internal sensation, which affords an evidence which, like that of the external

senses, is always to be held as ultimate. We can never go beyond it to obtain a clearer principle on which to found its conclusions.—It is on the same ground I perceive that my soul is different from the body with which it is connected: that the *properties*, and therefore the *essence* of the one, and of the other, are wholly distinct. I am conscious, in like manner, of liberty of choice, and of entire power over my own actions, and determinations. By the same means I understand the nature and operations of mind, as, by the external senses, I understand those of body, and comprehend the import of the terms employed to designate them.

Under the third division are embraced all those powers and perceptions which go to make up the moral faculty, or are immediately connected with practical morality. Such are the sense of *right* and *wrong*, of *justice*, *truth*, and others of this class, which are reserved, however, for a more particular consideration when I come to treat directly of the moral faculty, and those ideas which enter into the theory of morals.

The second division, which will compose the remaining part of this lecture, comprehends all those sensations which are connected peculiarly with the fine arts. To trace the various principles and emotions, which enter into a full consideration of that vast and elegant depart-

ment of human science, belongs to the province of taste and criticism. Yet, with the philosophy of morals they are not unconnected, inasmuch as they are component principles of human nature which it is an important object of philosophy to examine; and they are acknowledged to possess a direct and immediate influence upon manners, and the moral tendencies of the heart.

From the various field of ideas belonging to the fine arts, I shall take our examples out of the classes of sublimity, of beauty, of harmony, of those that spring from the imitative tendency in man, or from his perception of the ridiculous, especially in human character.

All the ideas peculiarly connected with the fine arts are derived originally from objects of external sense; but these objects have, through the influence of the imagination, other finer perceptions connected with them, besides those which are imparted by mere animal sensation. Whence they have been called, by various writers, *secondary sensations*. The inferior animals perceive the color, and bulk of objects; they are sensible of sounds loud, or low; but none, except beings endued with intelligence, taste, and moral feeling, discern, in visible objects, those qualities which are denominated beauty, order, symmetry, proportion; nor in sounds do they seem to be sensible of those agreeable successions or combina-

tions of notes and tones which we call melody or harmony. They evidently possess the external senses in as great perfection as mankind; but appear to be utterly void of the powers of internal sensation. In the primary impressions of sense they exhibit no deficiency; but give not any evidence that they have the least apprehension of those finer, secondary perceptions which, in human nature, lay a foundation for the arts.

Of these the first that I have mentioned is *sublimity*. When we contemplate objects uncommonly lofty, or great, they seem to expand the soul, and to raise its conceptions and its feelings beyond their usual elevation. Whence the emotion which they excite has been called *the sublime*. The same character has been equally ascribed to other objects, whether distinguished by uncommon magnitude and loftiness, or not, and whether they are within the sphere of the physical or moral operations of nature, if they create a similar expansion of soul, or awaken congenial feelings of admiration, or of awe. Such is the grandeur of the agitated ocean,—the rushing of an impetuous torrent,—the sound of thunder, or the stroke of lightning. To the sublime belong also the emotions excited by the characters and actions of illustrious men, which tend to rouse the soul to high and noble achievement, or to call forth its profound respect and veneration. Every ingenuous mind will be

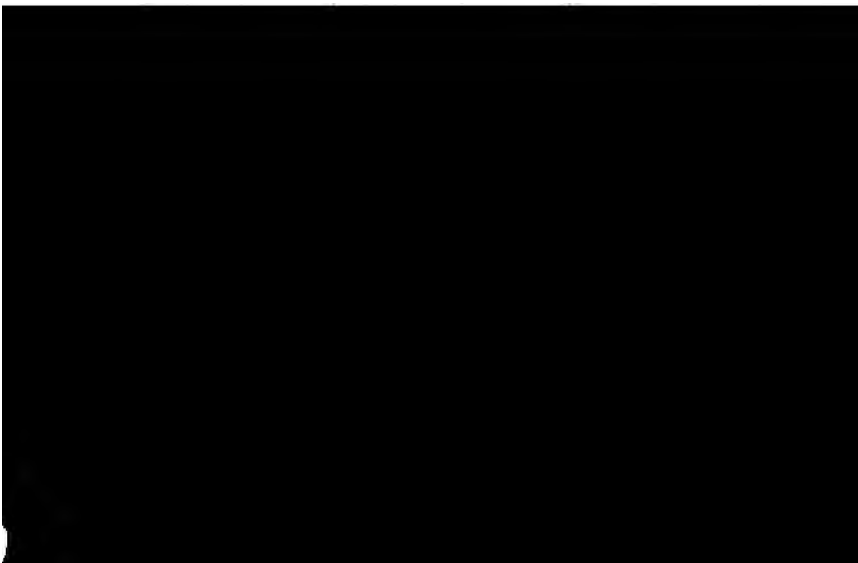
disposed to feel with the poet, and the orator, that ennobling ardor with which he kindles at the great displays of genius, of public virtue, of undismayed fortitude, or heroic enterprize ;—Regulus returning to Carthage, against the entreaties of his family, and of Rome,—Cato struggling amidst the ruins of his country,—or Demosthenes agitating by his eloquence, the effeminate and divided people of Athens, and impelling them with united effort into the war against the arms of Macedon.

The sublime partakes of different characters and modifications, according to the objects from which it is derived, or the emotions which it raises in the mind. The heavens, for example, awaken conceptions of the most grand and serious kind ; but these are diversified by circumstances, being more splendid and animated when enlightened by the sun ; more tranquil and solemn when overspread by the still majesty of night, and its innumerable but mild luminaries. Nature in other aspects, as in her tempests, her earthquakes, and volcanoes, presents to us only an awful grandeur.

There is a sublime that belongs to each of the fine arts, as various as the spirit of the muse which presides over the art. But, wherever the character exists, it is distinguished by this, that it tends to fill the mind with

great conceptions, and to inspire it with elevated and noble emotions.

Critics have endeavored to discover some single principle, which is the basis of the sublime, and forms its characteristic distinction from every other class of objects. A distinguished author has fixed upon the power of producing terror; as if it were essential to the sublimity of objects, and to that stile in which they ought to be presented to the mind, to inspire an awe always mixed with a degree of fear. Others have imagined that vastness, or amplitude of dimension, is the true foundation of the sublime emotion.—Although nature delights in the simplicity of the principles, from which her various effects are produced, yet are they often too fine to be discerned by the human mind, and distinctly discriminated from every adventitious mixture. And, in the present case, if there be any one principle pervading all sublime objects which imparts to them their dis-



awe, or be productive of great excitement, and perturbation of mind. One property appears to be essential to all sublime objects, that they raise in the mind, irresistably, conceptions of vast force and power either in the immediate agent, or in the Author of nature on whom all things depend. And the more intimately their existence and operations are associated with the idea of his power, and the more forcibly they present it to the imagination, the more sublime is the emotion created by them. The most sublime of all objects, then, is the Deity himself. His infinite power, intelligence, justice, and beneficence, the immensity of his presence, the eternity of his existence, are calculated to fill the mind with the grandest views, and the noblest affections.

The end for which the Creator has implanted in man this high relish for the sublime in the works both of nature and of art apparently is, to awaken a spirit of devotion to their Author, and to elevate the soul above the degrading passions and pursuits of vice. When the mind is occupied with the sublime contemplations of nature, it becomes more conscious of the dignity of its being, and more inclined to cultivate the pure and noble affections of virtue. And is not reason entitled to conclude that this strong and lively relish for enjoyments so noble, and so nearly allied to virtue, has not been im-

planted in the human breast, but in reference to a future and superior state of existence ?

The next of those general classes of internal sensation which I have pointed out is that of *beauty*. This term, in common language, is of very general, and frequently of very indefinite application to almost every thing in nature, in art, or in human character and conduct, that affords pleasure in the contemplation. Those manners are esteemed amiable which indicate a peculiar suavity of disposition, expressed with gracefulness and ease. Even the most abstracted subjects of science are said to be exhibited with beauty, when it is done with clearness, precision, and a certain neatness and simplicity of stile. But beauty, considered as a quality of external objects, to which it is primarily applicable, respects such chiefly as are taken in by the eye. Certain colors, forms of bodies, and kinds of motion, are fitted by the constitution of our nature, to affect the sense of vision with pleasure, and are, therefore, esteemed beautiful. The pleasure they afford is augmented by being associated with other qualities that are agreeable, and being indications of them. So that complexion of the human countenance which the habit of our nation has rendered pleasing, and those tints of it, especially, which are associated with youth and health, contribute chiefly, in our opinion, to its beauty. The foundation of beauty lies in the power

of objects to excite pleasurable emotions in us. This power resides partly in the nature of the things, and their adaptation to the constitution of the several senses; and arises partly from custom and habit, which has this peculiar influence, to render pleasing things originally indifferent, or even disgusting; or by the associations continually presented to the mind, to increase, correct, or modify, with infinite diversity, our natural pleasures. Hence the preference that is given by most men to the scenes and usages of their own country. They are connected in their minds with every thing that has been most delightful in existence. In this reflection we probably discern the true reason of that diversity which exists in different ages, and nations, in the taste of personal beauty, of ornament, of rural and agricultural scenery, and, generally, whatever in the arts, and particularly in the manner of writing, in poetry and eloquence, is esteemed most perfect in its execution.

Prevalent ideas diffused among a people by the influence of education, or even by the temporary caprices of fashion, may be attended with a similar effect. The same reflection may assist to settle those controversies concerning the standard of taste which have long existed among critics. Nature certainly indicates those general principles that go to constitute a standard of beauty in the arts; but it is variously modified by the habits and

customs of different countries, and different periods of society, and by the obvious state of the visible, and the moral world, continually presented to the senses, and imagination of men from their earliest years.—Hence the taste for grandeur and simplicity in writing, in architecture, statuary, and all the arts which grew up in the hardy and mountainous region of Greece;—that loose, flowing and magnificent stile which was cherished amidst the voluptuous air, and luxurious scenes of the east; the rude and melancholy sublimity of Ossian and his northern bards.

In the ingredients of visible beauty are reckoned color, figure, and movement: and, in the beauty of figure, its subordinate ideas are order, proportion, and utility.—All the most beautiful colors are those which are vivid and gay, or are delicate and soft. The primary colors of light are all of the former class. The latter are formed by certain skilful mixtures of the original rays that agreeably mitigate their glare. Those colors which relieve the tender organ of the eye by the coolness of their light, if I may speak so, as the deep blue of the sky, or the soft green of the field, are always peculiarly pleasing. But those rude, unskilful mixtures which leave to the composition no definite character, but appear rather like soiled or faded colors, are never agreeable. In this, as in so many other subjects, we perceive the

powerful influence of associations. The beauty and charm of color is greatly augmented in animal and vegetable bodies by exhibiting indications of the healthful and flourishing state of the animal, or plant; and, in drapery, by conjoining it with the taste, or rank of the wearer. The beautiful tints of the morning, or evening sky, are rendered doubly beautiful by the freshness of the air, and the ideas accompanying the waking energies of creation at the opening of the day; or the stillness and tendency to repose that seems to be settling on all things at the shutting in of evening.

Beauty is perceived in the figure, not less than in the color of bodies. There are some forms, adapted, by the very constitution of our nature, to affect us with pleasing sensations. These are all regular in their structure, and commonly afford striking indications of intelligence and design in their author, or suggest their peculiar aptitude to some useful end. Of many of the ingredients, however, in the beauty of form we can assign no other reason of the pleasure they yield, than that such is the order and will of our Creator in the structure of nature. This is, perhaps, the sole ground of our preference of a curved outline, to one that is straight. Yet this natural pleasure, is, in many instances, modified by other considerations of convenience, and fitness; or even by the prepossessions of custom, or caprice. In the shaft of a

pillar we prefer a straight line to a curve; in the leg of a horse we should be displeased with the swell which is so graceful in that of a man. Our ideas of fitness and propriety will vary the forms of beauty that we look for in the structure and decorations of a temple, from those which we would expect in a pleasure house in a garden. Caprice alone will sometimes regulate them, as has been seen in the fantastic figures which fashion has, at different periods, prescribed to shrubbery and trees designed for the ornament of pleasure grounds.

The subordinate ideas in the beauty of form are order, proportion, and utility or fitness.—On these several principles I shall make only a few brief remarks.

Order is that arrangement of parts which exhibits them in their most natural relations,—which aids the transition of the eye from one to another,—and which sets off to the greatest advantage, and promotes the effect of the whole upon the mind.

Proportion respects the relative magnitude of parts, which the eye requires to be in a certain ratio to one another in order to be pleased, according to the end for which any work of art is designed.

Utility always has reference to some purpose to be fulfilled. And it was the opinion of Socrates, we are in-

formed, that the principal idea in the beauty of any work of nature or of art, is its perfect adaptation to the purpose for which it was formed. On this principle we judge of the beauty of gates, of doors, of gardens, porticoes, and the various architectural structures designed for sacred, or for secular uses. Certain it is that nature has so constituted us, that we derive pleasure from various colors, forms, and movements both of animate and inanimate objects, although they have no necessary relation to any particular end; but if there be an important end that is effected by them, we soon learn to modify our ideas of their beauty, by their peculiar fitness or otherwise to the purpose of their being. It would be absurd to see the gay drapery of a drawing room introduced to decorate a senate chamber, or a hall of justice, or twisted columns formed to support a massy edifice; and that absurdity would destroy all their beauty. In animals themselves, though we admire the beautiful turns and flexures of their bodies, and their limbs, when they are in that perfection for which nature intended them, yet the principal part of their beauty consists in their aptness for their several destinations.

One, and perhaps the chief reason of the pleasure imparted by order, proportion, utility, and fitness, arises from the indications which they contain of intelligence, design, and wisdom. Mind is the noblest essence in the

If we ask whence it is that such motions impart the pleasure we perceive? We may answer, as in the former examples, that it results from the constitution of our nature. It is also, like them, increased by agreeable associations. And, as our principal pleasures arise from moral and intellectual associations, the supposition may not, perhaps, be deemed too fanciful, that part of the beauty of the gentle curve, or the graceful and waving motion, may arise from the analogy which it is imagined to bear, and which seems to be acknowledged in the most familiar figures of speech, to that softness and flexibility of disposition which accompanies the most amiable and benevolent manners.

These remarks on the subject of beauty I shall conclude with that common observation, that a fine human countenance embraces the greatest variety of exquisite beauties any where to be found within the same compass. Besides the fine tints of the complexion, the noble form, and proportions of the features, that expression of soul, of intelligence, of goodness, of delicacy, of sentiment, of honorable and virtuous feeling, which they exhibit every instant in an infinite variety of dignified and graceful movements, render it the most interesting object in nature. As the studies and pursuits of men have an influence on that character of soul which is transfused on the countenance by the habits of life, it is not unim-

the objects of beauty, not less than in exploring the most abstracted relations of science, serves equally, under proper cultivation, to promote the love of knowledge, and the love of virtue. It will be especially favorable to the growth of all the amiable and benevolent dispositions of the heart.

Under that general class of internal, or secondary sensations, denominated the beautiful, is comprehended, in the last place, according to the plan I have laid down, that of easy and graceful motion. As the curve, when deflected gently from a straight direction, is the most beautiful of lines, so a waving motion that is gentle and regular, exhibits almost all animals, in their most interesting attitudes. And, among inanimate objects, streams that meander negligently through the meads, are more pleasing to the eye, than the formality of straight canals, except where some ideas of utility interpose to modify the first impulse of natural feeling; as in canals cut for the convenience of travelling, or transportation. This graceful wave increases the pleasure of contemplating a bird floating on the bosom of the air; an elegant woman circling in the mazes of a dance, or that soothing image of still life, the gentle ascent of smoke in the morning, or the evening, from a cottage embosomed in trees.

LECTURE X.

CONTENTS.

FURTHER ILLUSTRATIONS OF INTERNAL SENSATION.

1st. Of harmony.—2d. Of imitation; of the imitative arts, painting, sculpture, and poetry. A solution of this problem, why objects or scenes which are painful to sense are pleasing in representation?—3d. Of ridicule.—Of the moral influence of these several principles of sensation.

THE next of the internal sensations of which I proposed to treat is that of *harmony*.

By the ear we perceive sounds; but it is by an internal sense, or perception, of which, as far as we can judge, no other animal partakes, that we discern that character of them which is denominated *harmony*. Under this term is embraced, at present, not only harmony properly so called, which consists in the agreeable combination of sounds, but melody, which is much more simple, consisting in an agreeable succession of sounds. It belongs to the science of music to explain the laws of melody and harmony. I shall here make only two or three general observations upon that sense, or faculty of our nature which judges of them.

By it we perceive that some sounds in themselves, and independent of every accompaniment, are agreeable, others are harsh;—that certain combinations of sounds form pleasing concords; others are dissonant, and grating to the ear. The succession of agreeable sounds forms melody; and agreeable concords are the constituents of harmony. All men are not equally susceptible of the pleasures arising from the one, or the other. But, melody affording much the most simple and natural enjoyment, there are few who are not capable of relishing it in a high degree. But to enjoy the pleasures of harmony requires a certain delicacy of ear; and the more complicated strains of it can seldom be perfectly relished till the sense has been cultivated by experience, and acquired a facility in discriminating the diversity of sounds, and attending to the union of their concords at the same instant. Some men there are, however, among whom the celebrated Dean Swift furnishes one of the most striking examples, who seem to be totally destitute of this fine power of human nature.

There are tones, within the province of harmony, which peculiarly accord with the various states and feelings of the mind, or the different passions and emotions we may desire to excite in it. Pensiveness, or gaiety, courage or love, and especially all the soft and tender emotions of the heart may be awakened, and the violent

soothed by the power of music. And the peculiar accordance of its tones with the gentle, or the generous feelings of the soul, adds greatly to the charm it is felt to possess. Being chiefly favorable to those amiable or noble emotions which tend to soften the manners and humanize the temper of mankind, we perceive in this effect of the art the true reason why the Spartan magistrates, who encouraged only the sterner virtues, obliged Timotheus to simplify his lyre. And the edict of the magistrates of Sparta is a proof of the moral influence of music. As the pleasures of harmony are then most exquisite when it is in unison with the tone and temper of the soul, this furnishes, perhaps, the principal reason why it derives so great additional power from its union with poetry. Poetry combining all the powers requisite for awaking the most sublime, or the most tender sentiments of the heart, thereby predisposes it for the enjoyment of the highest pleasures of a correspondent harmony. The most exquisite tones of harmony, when separated from the noble accompaniment of poetry, although beautiful, are comparatively feeble in their effect. But when the muse adds her numbers, imagery, and inspiration, at once touching the heart, and giving wings to the imagination, it is then that harmony exerts her finest influence upon the soul.

Notes and tones alone are not sufficiently definite in their meaning, till they are rendered determinate by the ode, which consequently augments their impression on the heart. On none of the senses, external or internal, is the influence of association more obvious, or powerful than on that of harmony. They are the pleasing associations collected in the ode which give the highest additional charm to the music in which they are conveyed. This is the enchantment that renders the music of one's native country more delightful than that of all others; especially after one has been long absent from it, recalling "the memory of past joys, pleasing and mournful to the soul." The most simple music being commonly connected with the most pure and simple national manners, is ever found to take the deepest hold upon the heart. Hence the Swiss soldier, almost exiled in a foreign service, is often overwhelmed by his transports in listening to one of those simple airs which he has often heard in his youth re-echoed along the crags and vallies of the Alps.

When we reflect how powerfully the sense of harmony may be employed to awaken the sublime raptures of devotion,—to rouse the noble heroism of the patriot soldier,—to soothe the multiplied sorrows of life,—to compose the spirit of resigned piety,—to harmonize the passions,—and even to promote the innocent joys, and

recreate the cheerful scenes of social life, we will be far from esteeming it an unimportant or inferior principle in our moral constitution.

The imitative faculty, or, tendency to imitation, and sense of pleasure in seeing it well executed, is one of the most powerful principles in human nature. It belongs to the internal, and reflex, or secondary powers of sensation which are peculiar to man. No other animal seems to possess it. For those uniform actions in which all the inferior animals of the same species are found to agree in every age, are, perhaps, to be ascribed rather to *instinct*, a principle afterwards to be explained, than to a faculty, or taste for imitation. In man it holds a most important rank among the moral principles of his being. In the first periods of our existence the human character is chiefly formed by it; and, in the subsequent stages of life, till the fibre of age becomes rigid and unelastic, and its habits are, by time, unchangeably fixed, individual, and even national manners are liable to undergo great amelioration, or deterioration, by a free and unrestrained intercourse with mankind.

In the constitution of human nature this principle may be regarded in its original intention, as most wise and beneficent. It gives to youth, in the formation of its manners, and its moral habits, the advantage of age and

experience, at that period when ignorance, and uncorrected passion are most liable to mislead it from its true interests and the proper end of life. It is, indeed, liable to pernicious abuse, when young men, yielding to the impulses of their irregular appetites, court only the society of vicious companions who encourage and assist their indulgence; but, in the general state and order of the world, its influence is favorable to virtue; and gives to the useful power of education, under the direction of a wise domestic, or public discipline, its firmest hold upon the human heart.

The imitative principle has not only a direct and immediate influence upon morals, but one which, though powerful, is more remote, by its connexion with the fine arts. On it are founded entirely the arts of statuary and painting; and, in a great measure, those also of music and poetry: whence they have received the denomination of the *imitative arts*. The two former exhibit visible, and almost perfect representations, in colors, and in stone, of the natural objects which they copy. And when they present to us objects or scenes drawn only from fancy, still nature must be their type. It is only the resemblance of nature which they bear that charms. It is requisite that they be such as we can easily conceive to subsist, and insinuate their probability to the

universe. ~~With~~ all that commands our veneration, or awakes in the soul the emotion of pleasure, we always perceive mind connected, and as it were embodied. Wherever the dispositions, and energies of the soul appear to be transfused upon matter, it derives from them its principal power of charming the sense. Without this expression of soul even "the human face divine" would lose all its dignity and grace. The finest tints of coloring, and symmetry of features in the female countenance, owe their principal charms to the mysterious accompaniment of intelligence, modesty, delicacy, and virtuous sentiment, with which they are blended. The greatest profligate is obliged, for his own pleasure, to awaken some image of virtuous feeling in the unhappy wretch whom he has already rifled of the true charm of virtue. That organization, therefore,—those proportions,—that symmetry of parts,—and that expression resulting from the whole, which suggest to us intelligence, wisdom, goodness, or most effectually blend these ideas with any of the operations of nature, or of art, will ever be esteemed beautiful, and derive their chief beauty from that very circumstance.

Here we discover a moral end in this interior sense and taste of beauty. It begets a high admiration of the wisdom, and goodness of the Deity; and, in the study both of philosophy, and the arts;—in the contemplation of

Poetry may be regarded as the most various and extensive of the imitative arts. Of visible objects, within certain dimensions, the pencil can certainly present the most striking images. But beyond those dimensions that the canvass can exhibit with effect, or in those deep, interior, and complicated emotions which cannot be painted in one instant, on the countenance, and caught at a single glance of the eye, the poet has infinitely the advantage of the painter. Poetry forms its pictures by language; and it has been made a question among critics whether strictly speaking, they ought to be called imitations of nature, which are always supposed to address the senses, and not rather descriptions, which represent their objects to the imagination?—The question is frivolous, as long as these representations call up their images to the mind in a manner not less vivid and picturesque, than those which are most strictly imitative. Poetical painting is not confined to the exhibition of objects, or of scenes which are known to have had an actual existence; but enjoys the liberty of creating the pictures of others which may, according to the general structure of nature, be supposed with probability to exist. But whether its representations be of real objects, or of imaginary scenes, still nature is required to be the basis of them; and a resemblance to her works constitutes the perfection of poetry.

That I may not enter too far into discussions which properly belong to the art of criticism, I will only further remark, along with all writers upon this subject, that good imitation imparts a lively pleasure to the mind, independently of the beauty or agreeableness of the objects which form the ground of its representations. Objects, or scenes which it would be painful to witness, become pleasing under the shelter of a good imitation. This is observable especially in epic, and dramatic representations, and those odes which most tenderly awaken the sympathies of the heart with human sufferings. It is a pleasure derived immediately from the imitative principle in man; and contributes, in no slight degree, to the improvement both of his mental faculties and his moral affections. It prompts to the assiduous study of nature; and, by awaking many of the finest feelings of the heart, and calling forth the most elegant and noble efforts of imagination, it tends greatly to the cultivation of the best powers of the soul, and to prepare it as a mellowed soil, for the implantation of all the mild and benevolent virtues. As the study of abstracted science contributes to strengthen the intellectual faculties, the cultivation of the imitative arts has not less influence in cherishing the gentle dispositions of the heart.

It has often been proposed as a moral problem to the philosopher; why, though shocked with the actual sight

of human misery, we are always delighted with the exhibition of it in the imitative arts; and the more truly it is represented, the pleasure is proportionably increased? We gaze with admiration on the convulsions of the Laocoon, or the agonies of the dying Gladiator;—we read with exquisite delight the description of the final sack of Troy as it is presented to us by Virgil. One of the principal sources of this pleasure arises from the consideration of the powers of genius displayed by the sculptor, and the poet;—his quick and just perception of the true expression of nature;—that masterly selection and delineation of circumstances which are calculated most effectually to touch the sympathies of the heart.—Another is to be found in the constitution of human nature itself. We are so framed by the benignity of the Creator, in order to connect mankind by the most gentle but powerful ties, as strongly to pity the distresses of our fellow men, and to approve ourselves for this generous emotion. The view of actual misery generally affects our sensibility so strongly as to be painful. But the dramatic representation is accompanied with the secret persuasion that the calamities presented to the imagination are not real; or, if real, all that is shocking to sense being removed from sight, there remains only that soft and tender emotion which yields a peculiar pleasure, always accompanied with a consciousness that it is a

feeling most becoming human nature. The circumstances mingled in the narration by the poet's art, the beauty of the language, and the delicacy with which he touches every susceptibility of the heart, all contribute to soothe the pain in representation, or description, which the actual presence of objects in distress would occasion.

On the subject of the imitation of nature, I conclude with this observation, that seldom does the poet content himself with the portrait of nature naked and unadorned. Something is generally added to increase her charms, and augment the interest which we take in the description. Almost all her works she throws out in somewhat of an unfinished state, that the ingenuity of man may be employed in giving them perfection, and applying them to the most useful purposes. The stone that is drawn from the quarry must be hewn by the art of the builder; and the gardener's taste must be employed in laying out, and dressing the richest soil. The genius of the artist almost always makes some ornamental additions to the simplicity of nature. The same liberty is allowed to the imitations of the poet. But it ought to be carefully borne in mind, that they should never go beyond the bounds of probability: that is, what nature may easily be supposed to be, or what, on some favored spots, or under the cultivation of man, she may actually be found to be. The imitations of genius, shew us rather what she might be,

than what she is. Thus the imitative principle enlarges the field of our intellectual pleasures, and increases the delight which nature in her simplest and unadorned state is calculated to afford.

The cultivation of the imitative arts, therefore, when not carried to an effeminate excess, to which, in the declining periods of society, they are liable, is favorable to the moral dispositions of the heart. The temper of man is softened by them, and he becomes more prone to the exercise of its gentle affections.

The last of those internal principles of sensation, connected immediately with the fine arts, or with morals, of which I proposed to treat, in order to illustrate this part of our intellectual nature, is the *sense* of the ridiculous. —It is, like the other finer powers of perception, so peculiar to man, that we discover no traces of it in the inferior animals; unless some of the mischievous actions, and ludicrous appearances of the monkey tribe may be resolved into this source. The ideas yielded by this sense, equally with those furnished by every other principle of either external or internal sensation, are *simple* and *ultimate*, so that they can be explained, or understood only by being felt, or excited in the mind by the appearance of some ridiculous object. The idea of the ridiculous cannot be made the subject of a strictly logical

definition more than the ideas of color, or of sound. But it can be immediately understood by presenting an appropriate object to the sense. The boastful cowardice and detected galantry of sir John Falstaff submitting through fear to be crammed into a buckbasket with foul linen, by a couple of jolly hussies with whom he had been trifling, and in this state drenched in the mud and water of the Thames, gives us an infinitely better notion of the ridiculous than could be imparted by any definition.—Several eminent writers have endeavored to explain that perception which we call the ridiculous, by defining the objects which excite it. Aristotle says, “it is *some fault*, or *turpitude* that is not attended with pain, and that is not destructive.”—But many slight faults or turpitudes there certainly are, which come under this description, that neither awaken ridicule, nor provoke laughter. If we ask, then, for a more precise designation of those faults, we can only be told that they are ridiculous faults. That is, we must appeal to the sense, or perception of ridicule itself in the first place, in order to define those objects, which are introduced to explain it.

Equally unhappy in his illustration is Mr Hutcheson, who says, “it is the contrast of dignity and meanness appearing in the same object which occasions laughter, or excites the emotion of ridicule.” The same observation may be applied to this definition as to that of Aristotle ;

that it wants precision. It is not every contrast of dignity and meanness appearing in the same object which produces pleasantry and mirth. Nero, turned piper and charioteer, raises only indignation. We must reply, then, as in the former case, that ridiculous contrasts alone excite that sensation in us. Still we appeal to the *sense* to enable us to understand its objects.

Although it is not every contrast of dignity and meanness that is ridiculous, yet, in most of those objects which are so, there is a certain union of incongruous ideas which excite a gay and quick vibration of mind between them. That peculiar species of incongruity, however, is discerned only by this internal sense. Some men, who are little inclined to pleasantry, perceive it very feebly in any subject; others, on the contrary, have this perception so quick and strong that there is hardly an object in nature, in which they cannot discern, or make some ridiculous points to provoke laughter.

The sudden and rapid discernment of these contrasts, and their prompt and unexpected re-union in one picture, constitutes what is called wit. If they are too palpable and obvious, and the mind of the reader or hearer anticipates the union of the incongruous ideas, the pleasantry is in a great measure lost. The more remote the whole is from common observation, if it be not forced, but only

requires a nice and quick perception to discern them, the more sprightly is the vibration of the mind, between the contrary ideas, and the greater, generally, is the pleasure and surprize arising from their junction.

In comparing the exertions of human genius, it is a remark that has been often made, that the greatest powers of wit, and reason are seldom combined. The faculties of the mind are so limited, that, by directing its energies principally in one channel, they are proportionably weakened in their action in every other. If, therefore, the talents of wit, or the propensities of ridicule, which are employed chiefly in observing the contrasts, and assembling the incongruities of things, be habitually cherished and indulged, the reasoning faculty, which is occupied chiefly in examining their resemblances and agreements, in order to derive from them the general conclusions of science, is in the same degree weakened by diverting its attention to entirely opposite ideas. The talent of wit, therefore, where it is possessed, should be cultivated rather as the embellishment of genius, than as its serious pursuit. The rapidity of its inferences, by which the mind is dazzled, though often plausible, should be trusted with caution, and submitted again to the slow and patient re-examination of the understanding.—The powers of ridicule, have their seat chiefly in the region of the imagination. And in different wits

and humorists we trace its exercises through various grades, from those delicate contrasts which scarcely excite a smile, to those coarse and palpable incongruities which provoke the deep convulsive laugh. Within this field is embraced the fine and gentle *humor* of Addison, for this may be considered as a species by itself; the *ludicrous*, which simply excites pleasantry unaccompanied with any disagreeable emotion;—the *ridiculous*, which directs its pleasantries to create contempt of their object;—*satire*, which points them with keenness against some defect in the moral or intellectual qualities of those whom it means to chastise;—*raillery*, which is a good-humored playing upon the foibles of our friends, whose errors are not sufficient to provoke either severity or contempt;—and finally *buffoonery*, which consists in assuming a low character for the amusement of others. This last, however, is always a very undesirable exercise of the faculty of ridicule; for a man can never affect the buffoon without attracting on himself some portion of the contempt which he is endeavoring to throw upon others. A buffoon, or merely the actor of that humble part, is always deficient in the respect which a wise and good man owes to himself.

Of the incongruities most frequently employed to stimulate the sense of ridicule, it will be sufficient to point out only a few examples.—Sometimes a ridiculous

contrast is more strongly marked by suggesting an unexpected coincidence between certain qualities of some mean, and some noble object. Such is that very noted one of Hudibras;

“ The sun had, long since, in the lap
Of Thetis, taken out his nap;
And, like a lobster boil’d, the morn
From black to red began to turn.”

This short sentence contains a double contrast of the same ridiculous kind; one between the sun at night, and a lounging lover in the lap of his mistress; the other between the changing tints of the morning, and the alteration of color in a lobster under the operation of cooking.—Sometimes the sensation is strongly excited by certain littlenesses, or slight blunders, displayed in a great and respectable character; as in that ungracious jest passed by the younger lord Lyttleton on his father, who, in his old age, undertaking somewhat unseasonably, to pay his addresses to a young lady, sallied out into the street, equipped in all the gay habiliments of courtship, with his sword by his side and his bouquet in his hand, but with his head bald; for he had forgotten his wig.—Sometimes great causes are assembled to produce a trivial effect; or pompous language is employed to decorate a mean subject. A similar pleasantry is

often excited by ridiculous parallels drawn between objects, or personages dignified and low; or by foolish pretensions to greatness in weak and ignoble characters unable to sustain them.* Of all these sources of the ridiculous you will find numerous examples in Gulliver's travels, Don Quixote, the history of John Bull, Martinus Scriblerus, the Dunciad, Hudibras, and in a poem not inferior to this celebrated piece of English low humor, written in our own country during the revolutionary war, entitled M'Fingal.

In the last place, it deserves to be particularly remarked that this powerful principle of ridicule is connected in our nature, in no slight degree, with our moral constitution. Although, in the hands of vice, it may be abused to the most pernicious designs, invading the tranquillity and happiness of private life, and enlisting the passions against the necessary restraints of virtue and religion; yet, under the direction of sound judgment, it may be made an important auxiliary to both religion and virtue.—If lord Shaftesbury carried his veneration for ridicule, in which he thought he excelled, to an absurd excess, in maintaining that it is *the test of truth*, we may safely admit that it is often a useful and successful in-

* See a disquisition on this subject by Dr Beattie, professor of moral philosophy in the college of Aberdeen.

strument in destroying old errors which have supported themselves, not on the foundations of reason, but merely on the prepossessions of time and custom. It may be most beneficially employed to expose to just reprehension and contempt those lighter faults of character, to the correction of which the dignity and gravity of reason can hardly be made decently to stoop; and even to administer a severe but salutary chastisement to those greater vices, which, sheltered by rank, supported by pride, or encouraged by example, set at defiance the gentle admonitions both of reason and religion. And, to other useful, and even virtuous purposes, we may add, that it often serves to multiply our refined and innocent pleasures.

LECTURE XI.

CONTENTS.

*Of the active principles in human nature—propensity—
instinct—habit—sentiment—imagination—reason—af-
fection, or desire—passion and volition.*

THE FIRST FIVE ARE TREATED IN THIS LECTURE.

HAVING thus far considered those principles in human nature by which we become furnished with ideas, the elements of all our knowledge,—I proceed, in the next place, to point out those physical and moral powers, or properties, which are the immediate springs and incentives of action in man. Our perceptions, which are derived through the channels of sensation, external, or internal, might be a source of enjoyment to ourselves, but would contribute little to the use and happiness of the world, unless the various faculties of our nature were put into vigorous movement by the active principles with which it is endued. These principles may all, perhaps, be embraced under the following analysis;—propensity—instinct—habit—sentiment—imagination—affection or desire—reason—and volition. On each of these I shall content myself with making only a few observations, except the last, which, as it is a subject that has

greatly agitated the metaphysical world, I shall treat with somewhat greater extent.

Propensity may be defined to be a natural tendency to perform certain actions, or to seek for certain enjoyments, prior to reflection, or to any experience we have had of the good or ill effects of those actions, or of those enjoyments. Seldom are men prompted to that course of conduct which may be most beneficial to themselves, or to society, from abstract considerations of utility: they must be strongly incited, antecedently, at least, to the commanding influence of a virtuous education, by some powerful impulse of nature, which acts more directly and immediately than the deliberate and slow conclusions of reason; that is, by some passion, or by some present propensity. Even the necessity of preserving life and health would not always find us sufficiently attentive to its duties without the stimulus of hunger and thirst.—Propensities are divided into the bodily, mental, and mixed.—The propensities which have their seat chiefly in the body, are more usually termed *appetites*, from the strength of desire which they commonly imply. The mental propensities are natural and strong tendencies of the mind to particular exertions of its powers, which have this property in common with the former, that they promote to their respective actions and pursuits, antecedently to reflection and experience. Among

these may be ranked curiosity to know, ambition to excel, the love of imitation, and, in many cases, a strong and peculiar direction of the mental faculties, which usually indicates a genius, or capacity for excelling in particular arts. The mixed propensities, in the gratifications which they solicit, partake almost equally of the pleasures of sense and intellect. Such are those which appear in the protection, caresses and love of children, in the inclinations to society, and especially, the society of the sexes, on which the union and civilization of mankind chiefly depend.

There is an essential difference between the propensities which have their seat in the mind, and those which spring from the body, in the constancy of their action. The former are as equable as all the other operations of the mind; the latter arise only at intervals according to the wants of the body; and when their immediate purposes are obtained, they are, for a season, wholly suspended. To attempt to continue, or to force indulgence after the proper ends of nature are fulfilled, is generally followed by satiety and disgust. The propensities to particular kinds of food or drink, depend at first, chiefly on natural taste, but are afterwards formed more frequently by custom. Custom strengthens natural and often creates artificial tastes, and sometimes, to objects originally

unpleasant, more powerful than the natural. No principles in human nature require to be observed, in their commencement and their progress, with stricter vigilance, or to be put under severer restraint, than our corporeal appetites. Virtue has acquired an important conquest when prudence and habit have limited their wants to the point of temperate indulgence.

Among our mental propensities, all those which tend immediately to the happiness of mankind, and originate from the benevolent feelings of the heart, react with pleasure on ourselves by promoting our own happiness. On the other hand, those which have an injurious tendency, however they may yield a certain gratification in the moment of passion, or under the irritations of provocation, will ever be followed, especially in a generous mind, by painful reflection. A proof how much we are formed for social duties, and for social happiness.

Propensity is sometimes confounded with another principle of action, denominated *instinct*. They are, on several accounts, nearly allied, particularly as they prompt to action, antecedently to reflection, and proceed to their end without the aid of reason. Instinct is a kind of mechanical operation, producing actions relative to our preservation, or enjoyment, simply under the impulse of a strong natural feeling, in which the higher powers of

the mind have not any concern. It is from this principle that the child applies its mouth to the breast of its mother. It knows not the consequence of this action; but the Author of nature has prompted the infant to it for its nourishment, while it has not wisdom to obtain it by any other way. The operations of suction and deglutition, are performed by a very complicated machinery. The infant is unacquainted with the structure of the organ, or the effect of action; but, by a single act of desire, or volition, stimulated by hunger, the whole is put into regular and perfect movement. Many are the actions of men, in situations in which they cannot be supposed to exercise their reason at the moment, which are the result of this principle. But because the inferior animals cannot, in any case, possess the guidance and defence of reason, the Creator has endowed them, for their safety, with a proportionably greater number of instincts than man; or at least than man, who is early put under the direction of a superior principle, is ever called upon, in the ordinary avocations of life, to exercise. Instinct is generally more uniform and certain in its operation than reason: for reason depending for its improvement, and its proper exercise, on the sagacity, diligence, and faithfulness of man, is often liable to defect or error; but instinct, being the provision of nature herself, always goes directly to its end. We see with what uniformity and truth each

animal pursues that course of life for which it was destined;—how unerringly it selects that food which is proper for its subsistence;—and constructs those habitations which are adapted to its state, and its necessities. The works of man vary with his means of culture and science, with his state of society, and with a thousand circumstances which impress their influence upon the operations of reason; but these animals conduct their works with the same perfection in every age. The bee constructs her cells, and the spider his web, without change and without error.*

Although propensity and instinct, in several particulars, resemble one another, there appears to be this difference between them, that the former expresses that internal impulse which prompts us to seek an object for some want that it relieves, or some gratification that it yields; the latter relates chiefly to the manner of accomplishing its end, which is uniform in all animals of the same species. Children have a propensity to seek for nourishment, but it is by instinct, as I have said, that

* I am aware that in different climates, and in different situations, we frequently perceive some variation in the instinctive operations of the same animal to adapt them to the necessity of his new state. But in similar situations these variations are as uniform as the original impulse, and indicate only the guidance of nature.

they apply their mouths to the breast. By instinct the bee collects her honey, and deposits it in her wonderful cells, which also by instinct she has framed; whence in the season that forbids her further labors she satisfies the propensities of hunger. And, in like manner, the spider instinctively frames his web for the purpose of taking the insects which he has a propensity to devour.

Our sensations, and propensities, lay a foundation for dividing all objects into two general classes, which we denominate good and evil. All those which afford agreeable sensations, or which are adapted to gratify our natural propensities, we place in the former class; those, on the other hand, which affect us with painful, or disagreeable sensations, or which contradict or violate our propensities, we arrange in the latter. Whatever, therefore, contributes to our own preservation or comfort, or to that of our fellow men,—whatever tends to promote the interest of society,—whatever is supposed to advance the perfection of the individual, or to confer eminence and distinction in the estimation of the world, is to be placed in the catalogue of goods; and all that is contrary to these belongs to the class of evils. When we follow only the guidance of nature in making this distribution, we shall seldom greatly err. But when, in the progress of life, in consequence of any irregular indulgences,

certain appetites acquire an undue ascendancy, our judgments of things become, in the same degree, perverted.

Another principle which prompts, as well as facilitates the actions of men, is *habit*. In its primary signification, habit respects chiefly that facility and perfection in performing an action which is the result of frequent repetition. But the ease of execution commonly produces pleasure in the performance. And we find it to be a law of our nature that we are most happy when occupied in that course of life which custom has rendered habitual. This principle has a powerful influence over human nature, not only in creating exquisite nicety of execution in the operations of the arts, but in giving direction to all the talents of the mind, and in forming both the moral and intellectual character of man. As youth is the period of life most susceptible of habit, and that on which the whole mould and fashion of its after periods principally depends, it is of the utmost importance that the earliest habits of youth, and even of childhood, be well regulated. *Chuse in the beginning, said a virtuous ancient, the best course of life, and custom will render it the most pleasing.*

The power of habit, the extent of its influence, and the immense complexity of its operations, are seldom

minutely adverted to, or duly estimated. Examples of its efficacy which we rarely behold, and the process of which we do not understand, forcibly attract our notice, and excite our wonder. We regard with astonishment, for instance, the feats of rope-dancing, and the tricks of legerdemain; but we hardly reflect on the complicated variety of attentions, perhaps not less surprizing, only that they are common, which are blended in one act by habit, in the most simple expression of our thoughts in conversation:—the connexion of the arbitrary sounds which form our words with our thoughts,—the just and graceful articulation of them,—their mutual relations in grammatical construction,—their combination and arrangement in perfect logical propositions,—the means which must have been employed in forming just conceptions of the subjects of discourse in the mind, and discriminating them from such as are erroneous,—with a multitude of other effects, which, when accurately considered, render it wonderful that they should be so quickly, and even instantly combined in the imagination, and so promptly expressed by the tongue of the speaker. How much more wonderful the habitual powers of the orator managing in debate the affairs of a great nation, bringing into act in one moment the rich stores of his memory, the immense extent of his foresight, the vast compass of his reflection and reading, and the infinite

attentions demanded by his subject, by the rules of his art, and the audience he is addressing! A great writer has declared that, if it were not so frequently witnessed, it might well be esteemed a prodigy.* What application and wisdom then, what circumspection and prudence, what unwearied assiduity, ought to be employed in forming the intellectual and moral habits of youth, on whom the future welfare of their country depends!—What encouragement to hope from the well-directed influence of habit, for the most useful and elegant attainments in literature, or the most commanding abilities in the management of public affairs?

The next of our active principles which I have mentioned is *sentiment*: a principle embracing those movements of the mind which have more commonly been considered by philosophers among our passions. And although they have in some respects an affinity with them;

selves or others.* It produces a state of feeling rather predisposing to action in a certain direction, than exciting to any immediate effort.

A few examples will probably render the nature of this principle better understood. The import of good and evil having been before explained, we may employ them now as known and general terms in our definitions.—The *possession*, or the near and certain expectation of what is esteemed to be good, creates that agreeable and sprightly state and emotion of the mind which we call *joy*. The deprivation of good, or the actual suffering of evil, produces those distressing emotions which make up the sentiment of *grief*. The prospect of good to be enjoyed, or evil to be escaped,—the probable apprehension of losing the possession of some favorite good, or suffering the pressure of some dreaded evil, creates those emotions or states of the mind which we distinguish by the names of *hope* and *fear*.—Many writers have formerly proposed dividing all our sentiments, and even the whole system of our passions and affections into the classes of *joy* and *sorrow*.—The names of these divisions have certainly been very inaccurately applied. For small undoubtedly is the resemblance between the sentiments

* See Ferguson's institutes under the head of sentiment. From whom also are taken most of the following examples.

of joy and sorrow, and many of those emotions which are respectively classed under them; between the former, for example, and the emotions of insolence and pride,—and between the latter, and those of displeasure, or of scorn.

Without attempting any scientific distribution and arrangement of our various sentiments, all that I propose is to give only a few examples in order to beget precision in the use of terms appropriate to this branch of our constitution.—When we contemplate our own safety, and the circumstances which contribute to render it stable, we feel the sentiment of *security*. In great success we perceive the sentiment of *exultation*. In adverse or disastrous circumstances, according to the degree of danger which accompanies them, we perceive those of *apprehension*, *terror*, *despair*. When we behold others receiving an accession to their happiness, between whom and ourselves there is no rivalry, or cause of disaffection, we indulge the sentiment of *congratulation*. In their distresses, on the other hand, we feel that of *sympathy* or *compassion*.

When men contemplate any excellent qualities in themselves, they perceive the sentiments of *self-approbation*,—of *elation of mind*,—of *conscious worth*.—Defects and vices, on the contrary, when they are perceived,

produce the sentiments of *shame*, *compunction*, *self-reproach*, *remorse*. Superiority to others, in qualities especially which attract the esteem or admiration of the world, produce, according to the moral disposition of the mind in which they reside, the sentiment of *dignity*, of *pride*, of *vanity*, or *insolence*.—The sentiments arising from the view of the superiority of other men are different, according to the state of our affections towards them, and according as the comparison is made between them and ourselves, or between them and others. If we love them, we feel for them the sentiments of *deference*, *respect*, *esteem*, *veneration*;—if we dislike them, the sentiment of *envy* is too apt to affect the mind that is not under the guard of virtuous principles, or governed by a dignified self-respect.—When the comparison is made with others, the superiority of those whom we esteem produces *exultation*,—of those who have provoked our enmity, *animosity* or *regret*.

After proposing these few examples, simply in illustration of this principle in the constitution of human nature, I shall conclude the imperfect summary by remarking, that, among all our sentiments, which, in their full extent, are almost infinitely various, none have a greater influence on the character and conduct of mankind, except, perhaps, those of conscience, or are more closely allied to virtue, than those of *honor* and *shame*.

These emotions are indeed awakened, not so much by the consideration of the rectitude or criminality of actions, as by the general estimate entertained of them in the public opinion: yet are they useful auxiliaries to virtue, inasmuch as the public opinion is, in most instances, nearly coincident with the laws on which the public morals, which are, in fact, those of the public interest, are founded. This, however, is not a genuine and universal rule, since the splendor, or eclat of an action is too often found to outweigh its morality.

In comparing the sentiments of honor and of virtue, of guilt and of shame, we will perceive that those of virtue produce more tranquility of mind,—those of honor more elevation; the sentiments of guilt create greater compunction, those of shame deeper humiliation.

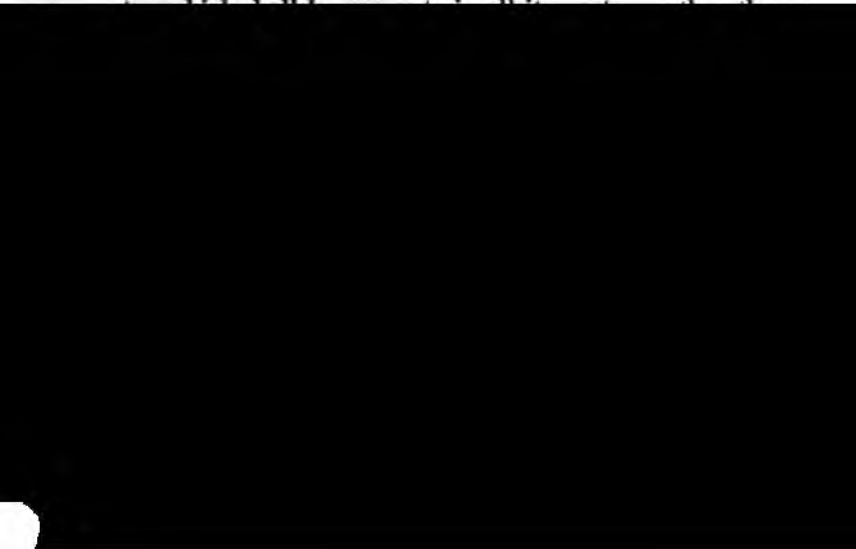
The imagination, which is that active principle that forms the next object of our consideration, is defined by Dr Ferguson to be the faculty of creating in the mind the images of objects, or scenes which have no real existence in nature; or of representing real objects, and scenes invested with all their circumstances and qualities; those circumstances and qualities, especially which escape the notice of ordinary observers, and strike only the finer or secondary powers of sensation, such as beauty, sublimity, proportion, grace, or harmony.

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This definition is not intended to imply that the ideas, or materials which compose the pictures created by the imagination, have not entered the mind through the ordinary organs of sense, and been derived like our other ideas from actual scenes, and objects in nature; but the manner in which they are put together in the fancy, for example, of the poet or the painter, forms a picture which has no real archetype without, to which it can be referred. In the Paradise of Milton, or the island of Calypso, as described by Fenelon, there is not an idea which has not been derived from trees, flowers, streams, or groves which exist in different parts of nature; but never were they arranged in the same order, or with the same enchanting effect as in the imagination of the poet.—This is what is intended by Dr Ferguson when he says that the imagination is the faculty of creating scenes or objects which *have no real existence in nature*. But it will perhaps convey a better conception of this part of our constitution, to consider the imagination, with professor Dugald Stewart,* as a complex power, consisting of fancy, taste, and judgment. A man of fancy has a quick and lively perception of those secondary sensations or qualities, which we denominate beauty, sublimity, grace, proportion, with others of the same class, derived from all the various objects in nature, and

* Elements of the philosophy of the human mind—page 136.

possesses the power of calling them up with promptness and variety adapted to the illustration and embellishment of every subject. But this luxuriant power is apt to shoot wild, and to fill the mind with a confusion of beauties, unless it be combined with judgment and taste to select those which are most proper for the occasion, and arrange them in such order as to form the most agreeable pictures in the mind. From this description, the imagination may be called the *picture-making* faculty of the soul. In the delineation of real scenes, as well as in creating such as are new, or have no existence in nature, it frames its descriptions chiefly by touching those vivid secondary sensations which its subject is calculated to excite, rather than by retracing the mere impressions of external sense. We may explain this difference by supposing on one hand the recital of a plain, judicious traveller, who aims simply at giving a geographical description of the surface of a beautiful coun-

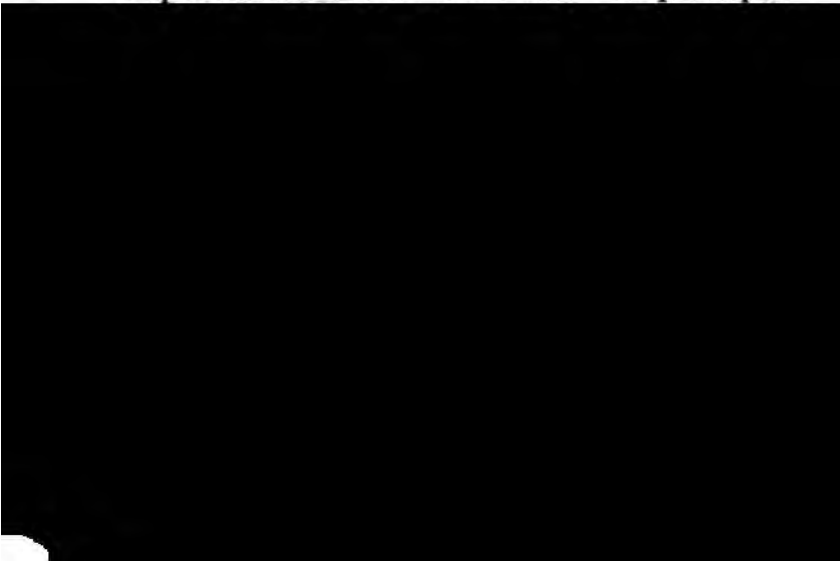


The materials out of which the pictures of the imagination are framed, are limited entirely by Mr Addison to such as enter the mind through the eye. "We cannot, says he, have a single image in the fancy that did not make its first entrance through the sight." Perfectly according with this opinion is that of Dr Reid of Glasgow.—"Imagination properly signifies a lively conception of objects of sight." This is certainly a slight inadvertence in that elegant critic, and that profound philosopher. For, although much the most numerous and various classes of the ideas, which enter into the combinations of the imagination, have been introduced by this sense, and although the term itself seems to have been originally borrowed from the images of sight; yet undoubtedly it embraces all the perceptions introduced by any other of our faculties which may contribute to form agreeable pictures in the fancy.—In the following beautiful passage from the first eclogue of Virgil, the poet draws upon the ear in the sweet langour of nature just inclining to repose, and the pensive emotions of the heart, for the finest images in this simple and delightful scene!

Hinc tibi, quæ semper vicino ab limite sepes,
 Hyblæis apibus florem depasta salicti,
 Sæpe levi somnum suadebit inire susurro.
 Hinc alta ab rupe canet frondator ad auras;
 Nec tamen interea raucæ, tua cura, palumbes,
 Nec gemere aëria cessabit turtur ab ulmo.

In the beautiful episode of Orpheus and Euridice in the fourth book of his Georgics, the pensive powers of music furnish out almost entirely the exquisite picture. And in Thompson's Summer, we are indebted for our pleasures in the grove, or orchard of Pomona, in the torrid climes, not less to the fragrance, and rich tastes, than to the blended beauties of the leaves, the flowers, and fruits.

The imagination is the principal power employed in invention; and by it the character of the genius is chiefly formed, whether it delight to dwell among the light and gay beauties of nature, to retire to her sober and pensive scenes, or to soar amidst the most magnificent and sublime of her works. To it the philosopher, the orator, the artist, as well as the poet, are indebted for many of the principal excellencies of their arts. The logician depends on it for the discovery of those intermediate ideas which help to conduct him to his conclusions!—The philosopher



As a vivid imagination is the faculty chiefly employed in invention, and associated with virtue, it is a powerful engine of doing good; although it has unhappily been often abused, by ingenious vice, with too fatal success, in undermining the principles, and depraving the affections of incautious youth. To poets, orators, painters, and other liberal artists, however, it ought to be no small encouragement to give their talents a useful direction, to reflect that the most beautiful efforts of the imagination have always appeared in works which contribute to innocent entertainment, or are calculated to awaken social, benevolent, and virtuous affections; and human nature is so constituted that the productions of genius fitted to promote these ends, will always meet with the most general and lasting approbation of mankind.

Imagination I have called the picture-making faculty of the mind. And every work of genius may be considered as one picture, the parts of which are connected by certain natural relations. They are not loosely and arbitrarily brought together without any sympathy or congeniality between the ideas, which, in every production of taste, ought more or less directly, to tend to one definite end, and ultimately to be combined into one consistent whole. The mind is generally inclined to pursue its thoughts in some train; and it rarely happens, that

in passing from one subject to another, we cannot discern some connexion between the different parts, or that in the groupes which it assembles together there are not some principles of union which have led to the association.

It has been a subject of enquiry among philosophers what are the principles of association among our ideas that most naturally guide the train of the mind's thoughts, especially in the excursions of a poetic imagination, or the investigations of science. Mr Hume among the moderns, is the first, perhaps, who has attempted to give a regular analysis of these principles, which he endeavored to reduce to the three following; resemblance, contiguity in time or in place, and cause and effect; by which last he means, according to his philosophy, only antecedents and consequents. Writers, since Mr Hume's time, have considerably increased the number of these associating principles. It has not, however, been pretended that a complete enumeration of them has yet been made. And as every possible relation among the objects of our thoughts, and even among the words in which our thoughts are expressed, may be a ground of association, such an entire enumeration cannot easily be accomplished. Our ideas may often be associated by resemblance or by opposition in the sounds of the words, and sometimes in the letters of the words which convey them

to the ear. Not infrequently, as has been remarked by Dr Stewart, the grammatical figure of alliteration may bring words and thoughts together which have hardly any other link of connexion; a remarkable example of which we have in the following line of Mr Pope's, in his *Rape of the Lock*;

"Puffs, powders, patches,—bibles, billet doux."

An extensive collection of these associating principles may be found in Dr Campbell's philosophy of Rhetoric. A few only of the principal I shall barely suggest, referring for the illustration and application of them to the operations of taste and genius to that judicious author. —The first of these, and as far as works of fancy are concerned, perhaps the most important is, *resemblance*. Resembling qualities easily suggest themselves to writers who have made the wide extent of nature their study, and are familiar with the copies of her works so beautifully traced by the fine writers of the ancient or modern æras of literature.

Under *resemblance* may be comprehended *analogy*, which implies, not the perfect similitude of parts, but a similitude of relations among different objects. These are a fruitful source of emblematic representations, of allegories, comparisons, metaphors, and many of the finest figures of speech, Under this principle also is

embraced *similarity of emotion*, comprehending all those objects which tend to excite resembling thoughts, emotions and feelings in the mind. For example, the resembling state of mental feeling and emotion created by gentle breezes, murmuring rivulets, and the melody of birds, would very naturally conspire to associate them together with other objects of a like tendency, in the description of rural scenes.—One of the finest examples, perhaps, in any language, of this similarity of emotion associating in the mind objects which have not any other point of resemblance, is that in the poems of Ossian in which the poet compares the *music of Carol* to the *memory of past joys*. *The music of Carol, says he, is like the memory of past joys, pleasing and mournful to the soul.*

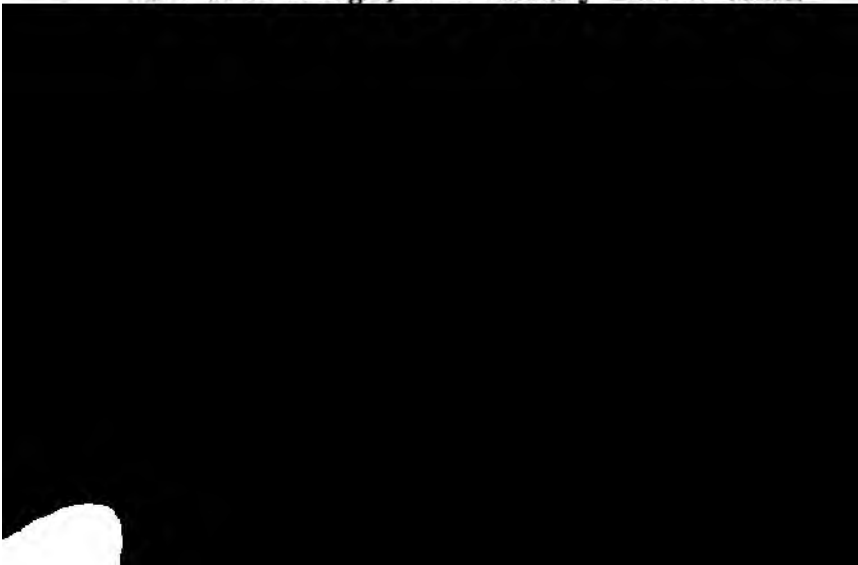
The author of *the Seasons*, in an address to a lady, presents to us an image of the same kind, beautiful in the thought, but perhaps too obscure in the expression ; for all the associations of a poetic fancy should be the

resembles that awakened by the serene blue of the heavens, while retired beneath some pensive shade.

Another principle of association is *contrast*, or *opposition*. Opposites are found naturally to recal one another. Contrast is the source of many beauties in the arts; and the figure of *antithesis*, by the sparkling collision of thoughts, often yields peculiar pleasure to the imagination. In philosophy, distinctions, exceptions, discriminations, so necessary to the precise and accurate discussion of the greater part of subjects in this science, depend on this principle. The orator often resorts to it in the elucidation of the topics which he handles; and often in his most pathetic addresses to the passions. Other principles, directed to the same end, we find in the contiguity of objects in place, and in time; in fitness and congruity of parts, either in single images, or in more extended views: in the simple ode, or the complex epic, or drama.—*Custom* and *habit* are not less natural and important conductors to the train of thought. The connexions in the relations of our ideas which we have been accustomed to pursue, almost spontaneously offer themselves to the mind. The thoughts easily retrace their former channels. Hence the importance of a certain course of studies, of certain habits of reflection, of an extensive intercourse with society, and the world, and of customarily exercising the imagination, and the under-

standing on those subjects on which men expect to be called either to write, or to speak. Such habitual employments of the mind will facilitate its command over all its necessary exertions when required, whether they consist in the closer application of its reasoning powers, or in the freer and more picturesque excursions of fancy.

Strong feelings, passions, or emotions, although they cannot properly be called principles of association among our ideas, yet are undoubtedly calculated to call up in the mind, with peculiar vivacity and strength, all those ideas which are in any way connected with the emotion, and tend to increase its force. They are calculated likewise to assist the powers of expression, and to give to those ideas an easy and impressive utterance in words. Hence the poet or the orator, before he begins to write or to speak, should study to kindle his mind with his subject, and to awaken all those perceptions, and emotions which it ought, or is naturally fitted to excite.



and the *end*, of the *promises* and the *conclusion*. In pursuing these connexions the philosopher is expected to lay down a regular plan, and to follow it with rigorous exactness, rarely permitting any digressions for the purpose of embellishment, or of relieving the fatigue of attention, by the pleasant pictures of fancy. The principles of resemblance, analogy and contrast, and others that have been mentioned before, leave the mind in a more free and easy state, and therefore more especially belong to the province of poetic imagination. It deserves to be remarked of these trains of associated ideas, and the remark serves, in some degree, to characterize the different genius of poetry and philosophy, that the mind in passing along them has power to select any single idea at pleasure, although connected with its principal, by the slightest association, and making it the origin of a new train, to conduct the fancy in this manner, by different steps, through a wide and diversified field, till, by artfully seizing, at length, some related image, it is led back by an easy and natural transition, to the subject from which it had digressed. A beautiful example of this regular play of the imagination, if I may so call it, is given by Virgil in the end of the first book of his *Georgics*, a work that is full of the finest specimens of a cultivated and digressive fancy. He was pointing out to the husbandman the usual prognostics of the weather, so

important to be foreseen by the cultivator of the earth; he passes thence to those meteors, and atmospheric phenomena which the superstition of Rome regarded as indications of civil revolution, and public disasters; this introduces the direful presages which were said to have preceded the death of Cæsar; whence the transition was easy to the civil wars that followed, and the battles of Pharsalia and Philippi. And here we cannot but admire the art with which the poet returns to his subject;—“*the time, says he, will come when the rustic laborer in these fields, will raise from the earth the rusty weapons with his crooked plough, and with his heavy harrows strike the empty helmets of fallen heroes, while he admires the huge bones turned forth from their graves*; which affords a natural introduction to the continuance of his agricultural labors. There is something apparently casual in the order, and transitions of our thoughts, though strictly connected with the train of our associations, when the mind is in that easy and natural state in which poetry is enjoyed with the greatest pleasure, which is never allowed in philosophic reasoning.

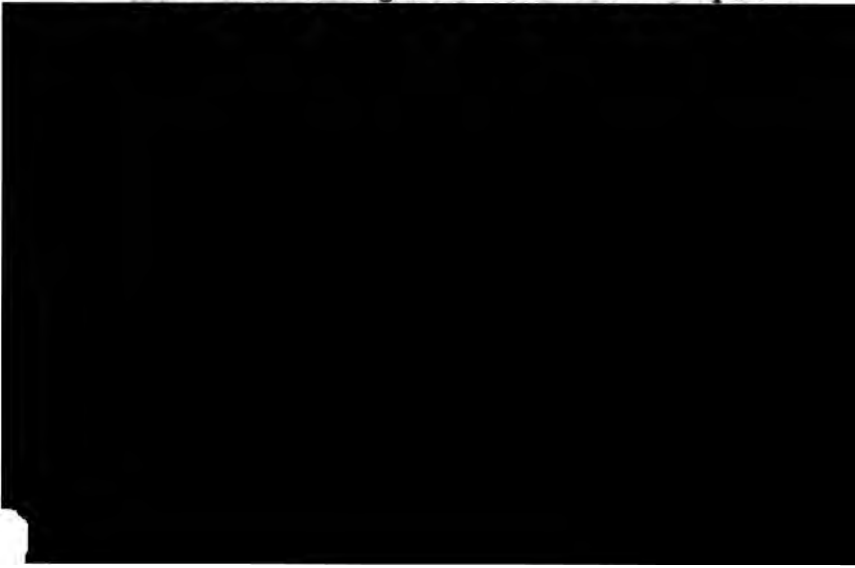
LECTURE XII.

OF THE AFFECTIONS AND PASSIONS.

Of the nature of the affections and passions—Of sympathy—properly speaking sensible beings only, the objects of affection—the passions higher degrees of the affections—The general system of our affections divided first into the calm and temperate, and the violent—The opinion of the Stoics with regard to the passions—of the Peripatetics—of Mr Hume—The passions often useful and elevated principles of action.—Another division of the affections into the beneficent and injurious—A question whether there are any primarily malevolent affections belonging to human nature; or whether they are not always reflex in their operation, arising only from a sense of injury?—Of malevolent affections arising from emulation, and ambition—The beneficent affections subdivided into the selfish and benevolent.—Two questions whether selfish affections are consistent with virtue?—And whether there are any affections disinterestedly benevolent?

THE next constituent principles of our moral nature which offer themselves to our consideration are the affections and passions. The obvious affinity of these prin-

ciples naturally throw them to be considered under one class. They are emotions of the mind arising from our natural feelings, or acquired opinions with regard to objects, as being *good* or *evil*; or as capable of contributing to our *happiness* or *misery*. Those things which yield us pleasure, or which we conceive to be means of promoting our comfort, we desire to possess. Those which we know, or apprehend to be occasions of pain we endeavor to avoid, and we feel towards them an emotion of aversion. If they are sensible beings which have been the immediate causes of injury, or benefit, or which we conceive to be disposed and able to inflict the one, or to confer the other, we not only perceive towards them emotions of kindness or aversion, but immediately feel an involuntary impulse to repay, if it be in our power, their good deeds by equal, or by greater kindness, or to retaliate their injuries by some correspondent suffering; unless reason or religion has first subdued the spirit of



especially, if they are intelligent beings, to retaliate in kind, respectively, their kindness, and their injury.

If a sensible and intelligent being be too great or too distant to receive benefit, or injury from us, as is necessarily the case with the Deity, affection then, in a good and virtuous mind, is limited to love, to dutiful respect, to rejoicing in his existence, and happiness. But the amiable qualities of men like ourselves we may be justly said to *enjoy*, by the powerful inter-communion of *sympathy*. A principle, to use the language of a distinguished writer, which disposes the mind to *feel along with others*, —participating in their happiness, sharing in their griefs, and reciprocating all their sensibilities; and which is, indeed, the true amalgam of society. Sympathy, although it ought not, perhaps, to be ranked among the affections, but rather, belongs to the class of sentiments, yet it is evidently a fruitful source of many of our strongest and tenderest emotions of this kind. It is a kind of mental attraction which communicates the action of different minds to each other, and is among the principal sources both of our pleasures, and our virtues. It deserves to be particularly remarked, that none of the unamiable and unsocial affections are designed, or fitted by the constitution of our nature, to call up in our breasts correspondent sympathetic emotions. It exhibits its influence chiefly in congratulation with the happy, and

compassion for the distressed; and entering both with the one and the other into all their reasonable and moderate sensibilities. As it inclines men to assume the tone of the society in which they may happen to be, unless too remote from their present dispositions and feelings, it may be regarded as the great principle of imitation, both in domestic, and in civil life; the charm of social, and the mould of national manners. The forms of politeness in civilized society pay homage to this principle, and demonstrate its tendency to promote all the courteous and benevolent virtues. If the *image* of *sympathetic feeling* in the manners of a well-bred man, or woman be beautiful, and interesting, how much more amiable and affecting is the real sympathy of a virtuous and sensible heart! It goes far towards making up a perfect moral character.

It deserves, however, to be remarked that, in propor-



by the powerful influence of sympathy, along with the refinements of society.

To return more directly to the consideration of the general system of our affections and passions. The etymology of these terms will serve in some measure to explain the acts of the mind which they are intended to express. The composition of the term affection* serves to indicate its most essential character, which is, its tendency to *do* good or evil,—to impart kindness, or inflict pain on the object of our love or hatred.—It serves also to shew, that, strictly speaking, sensible beings only can be the objects of our affections. We love a parent, a child, a friend; we resent the injury of an envious or malicious man; but we do not, properly, either love or hate, attempt to do good or evil to the inanimate instrument of our pleasures, or our pains. A miser, indeed, is said to *love* money; but it is only for the relation which he thinks it bears to his own preservation and enjoyment. We are said to love the houses, the seats where we have been happy,—the gardens or hills which have been the scenes of our early joys; but carefully attending to the operations of the mind we shall find that they only awaken ideas and pleasures which we formerly enjoyed in those situations, with our

* Derived from the latin words *ad* and *facto*.

friends, or with ourselves, while yet in all the freshness of our being, and which have become so intimately associated with them, that the one can hardly be separated from the other in our ideas as the object of affection.

By a little inaccuracy and confusion of language we sometimes speak of the relish of the taste or craving of the appetite for certain kinds of food or drink as an affection. One man for example, is said to love Claret, another, to love Madeira. Not unfrequently, a foolish boy, under the irritation of pain, will strike a stone that has hurt him, as if he meant to revenge upon it the anguish it has occasioned him. But the delirium of his passion has, for a moment, transferred to it an imaginary sensibility.—The former is merely an abuse of speech; the latter only an error of feeling. The affections, strictly and properly taken, cannot have any objects but sensible beings. They occupy that middle region of our nature, which is equally remote from appetite and sense on the one hand, and understanding and taste on the other; though borrowing from each, occasionally, either augmented sensibility, or intellectual elevation and refinement.

The passions, belonging to the same general class of principles with the affections, are distinguished from them only by the increased violence of their emotions.

The etymology of the term from a root which signifies suffering, or being the passive subject of the action of another, indicates that the framers of language regarded a man when under the influence of passion, as not being master of his own conduct, or possessing a reasonable self-command. Cicero defines it to be *perturbatio animi quæ hominem huc et illuc rapit*.—It hurries the man, for the moment, beyond himself, as if he were irresistibly impelled by the suddenness of its gusts, and the impetuosity of its movements.

This account of the nature, and commotions of the passions, represents them too justly as they exist in uncultivated society, where men are accustomed to indulge them in all their natural vehemence, without subjecting them to the discipline of prudence, virtue, or religion. It is only by reason, reflection, and a judicious moral culture, that they can be effectually brought under that wise restraint, and prudent management, which renders them useful, and often noble principles of action, instead of being, as they too frequently are, only the destructive tempests of the soul.

The general system of our affections, therefore, may be divided in the first place, into those that are calm and temperate, and those that are violent. The latter have usually obtained the name of passions. They are easily

prone to excess, and consist chiefly of those high and ungoverned emotions which have an injurious tendency either directly to others, or reflexly on ourselves. Although, by an easy and not unnatural figure of speech, any strong propensity, or tendency of mind towards a particular pleasure, or fondness for a particular object, if it be greatly disproportioned to its value, may be called a passion. So some men are said to have a passion for gaming, some men for dogs, others for horses ; and one of the kings of Prussia was said to have a passion for men of seven feet high.

Philosophers have not always agreed precisely in the same account of the passions. And the ambiguity of the term has, in consequence, given rise to great diversity of opinion, or rather of theory, among various sects : for men more frequently disagree in their philosophic speculations than in their real judgments concerning moral truth. The ancient stoics, defining the passions to be violent emotions of the mind, always excessive, and always injurious, laid it down as a maxim of their philosophy, that a wise man ought to have no passions ; and that the great end of philosophic discipline was to enable their pupils utterly to extinguish them. That it is the duty not only of the philosopher, but of every man, to restrain all excessive and turbulent emotions of the soul, cannot reasonably be doubted. But the principle once laid down in

the philosophic meaning which they affixed to the terms, came afterwards, to be interpreted by their more common and popular signification, which changed, in a great measure, the basis of the whole doctrine of the passions.* It went to eradicate from the heart all strong feelings, all ardent emotions, almost all sensibility to pleasure or pain, and aimed at producing constant equanimity and composure of mind. And certainly the stoic school has exhibited many most surprising examples of unruffled tranquility of soul under circumstances calculated to make the most painful trials of their fortitude, and patience, of their tolerance of privations and sufferings, and of their superiority to all the evils of life. But too often we have seen the merit of these noble qualities impaired, by the extinction of almost every mild and amiable affection of human nature.

The peripatetics, their rivals, on the other hand, maintained that the passions were not naturally excessive, injurious, or criminal. On the contrary, that they

* The same thing happened to the doctrine of Epicurus. He laid it down as a principle that the pursuit of pleasure is the supreme law of our nature; meaning by pleasure that dignified and rational happiness which results from the prudent and well-balanced regulation and indulgence of all the principles of our nature according to their respective worth and importance. His followers at length interpreting pleasure in its popular meaning, made their school a school of licentiousness.

were useful principles in the constitution of man. They were the sources of activity and enterprize, prompting him to every beneficial improvement, and every noble atchievment. They confessed, however, that, though, generally, they were like favorable gales in the voyage of life; yet, being liable to sudden storms and dangerous excesses, they required to be subjected to the constant control of reason.

Mr Hume has proposed an opinion of his own, though, perhaps, it is only a revival of the peripatetic principle under a new form. The passions, he says, are the governing principles of our nature; and it is the proper business of reason to be subservient to them.—The true explanation of this apparent paradox is, that under the name of the passions he embraces all the active powers of human nature, which fit man to pursue, and enable him to accomplish the various purposes of his being; and to reason he assigns only the prerogative of judging of the fitness of means to their proper ends, and of directing their application. In this maxim, therefore, under an affected singularity of expression, no more seems to be designed by the *subserviency of reason to the passions*, than other philosophers intend by asserting the control of reason over all the appetites, desires, affections, and every active principle of our nature, pointing out their proper objects, indicating their due proportions

to their exciting causes, and prescribing the best methods for the attainment of their respective ends. Thus is reason, in the system of Mr Hume, made to perform the office of a useful minister to these high executive powers of human nature, to assist them to fulfil their functions in the best manner, to guard them from disorder, and to enable them to attain the most valuable purposes of our being.

Of these various theories of the passions, that of the peripatetics seems to approach nearest the truth, and to be most conformable to the system of nature. The stoics, evidently pushed their principle to excess; but it must be confessed, they made a noble use of their error. On this subject permit me to make the following reflections. The principles of nature, as originally bestowed on man, are manifestly imperfect, and require to be cultivated by education so as to attain that mature state which seems to be designed by the Creator. All need correction, assistance, direction. But virtue does not demand, as has been attempted by some austere sects of philosophy, and of religion, that any of them should be utterly extinguished. No affection, and no passion which the Author of our being has implanted in the heart of man is, in itself, wrong; it is wrong only by *misapplication*, by *excess*, or by *defect*. A man may be faulty in having his passions too weak, as well as too strong. Every

power, faculty, or tendency in human nature is capable of a useful application. It is the proper business of philosophy, or of religion, therefore, not to eradicate the passions, but to direct them on justifiable objects, and to prescribe to them reasonable limits. A man, without resentments, would be a tame and contemptible beast of burden, liable to every insult; on the other hand, one who is prone to rush with blind and precipitate fury to revenge, on every trivial provocation, is an odious and dangerous beast of prey. The passion of love has often exalted the human powers to an uncommon height of generous achievement. A high ambition of glory, an ardent patriotism, and indignation against the enemies of one's country, are passions which necessarily enter into the character of a great hero.

But it is worthy of particular observation, that, though the passions are capable of being rendered useful, and often noble principles of action; yet are they so prone to excess, and by incautious indulgence, are so apt to acquire a dangerous dominion over the heart, that one of the most important purposes of a wise and virtuous education is to mark out the legitimate objects of their pursuit, and to impose upon them prudent restraints.

But if the heart were void of affection, in which term may be implied the passions, life would stagnate; its

finest motions would cease, society would be dissolved, and the chief springs of human happiness would be dried up.

Our affections may be divided into two general classes in another way,—the first comprehending those which lead to offices of kindness towards their objects,—the second, all those which may be regarded as different expressions of aversion; and which commonly prompt to actions hurtful, or destructive to those who have provoked them.—These divisions when attempted to be distinguished by single epithets, have usually been called the classes of *love* and *hatred*. As they may be designated by their tendencies, or consequences, their classification may be made into the beneficent, and the injurious affections. The former class comprehends, perhaps, the larger portion of the affections of human nature; as those which subsist between the sexes, between parents and children, between friends, between benefactors and beneficiaries, with various others springing from different relations. There are philosophers who maintain, as there is hardly any paradox in moral and metaphysical science, which, in the refinements of speculation, has not been asserted, that these affections are not the growth of nature, but the effect of custom and education. It may justly be replied, that the proper office of education is to point out the due degree of our affections.

to different objects; more definitely to describe those than is ever done by the primary impulses of the heart, and thereby to save the laudable energies of our nature from being misplaced. It may, for example, discriminate a false from a true friend, it may point out those errors in a child that ought to modify the parental affection, or those circumstances in a benefit which augment or diminish the favor, and will consequently heighten or lower the standard of grateful feeling to a benefactor; but the emotions of gratitude, of friendship, and parental love are the work only of nature. A new affection, more than a new color, can never be the product of education.

It has been made a question, whether there are in human nature primarily malevolent passions arising out of any natural relations of man to man, as we see there are benevolent affections springing from a great variety of social connexions? Or whether all the malevolent emotions are not secondary and reflex, resulting only



Full force in rude, uncultivated nature, it would immediately impel the sullen rivals to mutual injury. Whence the favorite maxim of that celebrated philosopher, that a state of nature is a state of war. And it would appear that the ancient Latins, in the formation of their language, in which a stranger and an enemy are used as synonymous terms, were influenced by the same feeling, or had adopted the same opinion. I am of an opinion somewhat different; that man in the rudest state of nature, may have met his fellow man either with hostile or with social inclinations, according to accidental circumstances; and sometimes according to the constitutional temperament of the parties.

As far as experience instructs us in civilized life, we discover in human nature no primarily malevolent principles; no original impulses to do intentional wrong, or to inflict unnecessary or unprovoked suffering on others. Children, indeed, appear to delight in giving pain to insects, and the inferior animals that come into their power; and men are too often pleased with cruel sports, such as those exhibited in the combats of gladiators, or the fights of ferocious beasts. But the wanton cruelties of children are commonly the mere effects of thoughtless curiosity, without any design of inflicting pain, or any conception at the moment that they are torturing the animal. The barbarous exhibitions of the ruffian and mortal conflicts of

beasts, or men, afford entertainment to the multitude not from any malignity in human nature which enjoys the convulsions and miseries of suffering sensibility;* but from delight at the skill often displayed in these combats, and still more from admiration of that courage, which renders the eager combatants superior to pain, and death, through the emulation of victory. These feelings, though yielding a present encouragement to a cruel and criminal amusement, instead of affording proof of an innate malevolence of heart, display a spirit which, under proper cultivation, may be made to contribute to the elevation of the human character, and to ripen heroic bravery into a humane and generous magnanimity.

The malevolent, or injurious affections perhaps always aim at resisting or retaliating some imagined injury to ourselves or to society in which we have a deep interest. Sometimes they are sudden and instinctive efforts to repel, or punish on the spot, before we have time for considera-

from our sufferings or our fears.—They are not always culpable, or unamiable; but only when they are disproportioned to the cause which excites them.

There is another class of malignant affections, consisting in envy, suspicion, hatred, the plotting of private injury, which are always unamiable, though often derived from a principle in human nature otherwise useful and laudable,—the love of superiority and distinction. They are the abuse of weak minds of a provision in our constitution designed by our Creator to improve and exalt it.

Having made this distribution of our affections into the classes of love and hatred, or of the beneficent and injurious, I conclude by remarking that there is one passion which does not find its place properly under the one, or the other. The passion of jealousy between the sexes seems to partake so equally of love and hatred, that, at the first view, it might be regarded as possessing a mixed nature. Perhaps, however, a juster estimate of it, is, that it is such a rapid vibration of the heart between the extremes of the two passions, as its object is viewed in different lights, that they seem to be confounded together in one emotion, which, while it concentrates the whole force of the soul upon a single object,

seems at the same time to dissever it into different parts by the violence of contrary agitations.

I shall not aim here at going into a complete enumeration of all the affections belonging to human nature, presuming that the few examples which have been given under each class will be sufficient to present a general view of their nature and effects. Dr Watts, in his treatise on the passions, and Dr Beattie, in his *Elements of Moral Philosophy*, have, each of them, presented their readers with a regular system upon this subject, which is worthy your perusal. But both of them have ranked along with the affections and passions many emotions and tendencies of the heart which ought, perhaps, to be classed with appetites, propensities, and sentiments.

But there is a subdivision of the general class of the kind affections, which, on account of its importance, deserves to be particularly mentioned, into those which aim immediately at our own interest and happiness; and those which seek chiefly to promote the interest and happiness of others. The former are called the selfish; the latter the benevolent affections.—Of this division, the second branch embraces those particular beneficent tendencies of the heart which have been already enumerated; and extends farther, to that indefinite good will to

mankind which is implied in the phrase, often used by moral writers, of *universal benevolence*. It has been doubted, indeed, whether there be in the human breast such a general and comprehensive principle. The whole human race, it is said, is too extensive an object to be embraced under one view; it is too vast to be benefitted by the act of any individual.—But this is not the true interpretation of the principle. It implies only such a regard to human nature,—such a sympathy with all who have the same sentiments, affections, feelings, with ourselves, that we are always ready to enter with kindness into their sensibilities; and, where they need it, to bestow on their wants any aid that is in our power. It is not limited to family, or sect, or language, or nation. The phrase, *universal benevolence*, by which this principle is expressed, might well be exchanged for that of *sympathy with mankind*.

The selfish affections have generally been supposed to form a numerous class,—such as the love of riches, power, influence, distinction, with all the pleasures of our animal nature, and even the most refined of our mental pleasures, if they are pursued with a direct intention for our own gratification. This, however, is misapplying the term affection, making it include propensity, appetite, and every tendency of our nature to seek our own happiness; and even extending it to our attachments

to inanimate objects, to which custom has authorized us; by a figure, to apply the term love.

To speak with strict philosophic propriety, self-love is one affection, and only one;—the desire of deriving happiness from whatever object is calculated to afford it. Each mode, then, in which our self-love is sought to be gratified, whether it be by the aid of sense or appetite, or by any other principle, is, in common language, called a selfish affection. And by this inaccurate use of speech, this class of the affections may be indefinitely multiplied.

Two questions, further, have been proposed upon this subject, which merit your attention; the one by a sect who profess to place virtue solely and exclusively in the exercise of benevolence, which goes to enquire if self-love, or the indulgence of the selfish affections be consistent with virtue? The other, by a species of subtle philosophers who resolve all the principles of human action into a refinement of self-love; who question the existence of a purely benevolent and disinterested affection; that is of an affection which ever inclines, even the best of men, to perform a benevolent action, simply through the love of a friend, without any reflex, or ulterior view to some benefit ultimately to accrue to himself?

The Creator, who appears to have designed the happiness of the human family, has disposed the order of the world for that purpose in a way most consistent with the nature of man. His limited powers are not competent to act at once upon the whole mass of human nature. If each individual were to aim directly at an object so far beyond his reach, the efforts of all would be lost. But as the economy of the universe is established, the care of each man, and of those immediately dependent upon him, is committed to his own vigilance, industry, and prudence. Any surplus of ability, or useful exertion, beyond what is requisite for these primary objects, may be applied to the assistance, and benefit of others, according as their proximity admits, or their necessities require such assistance. By this order, the felicity of the universal system is most effectually provided for, and the designs of divine providence for the happiness and improvement of human society most rationally promoted. Cherishing our self-love, therefore, or exercising to a certain degree, the selfish principles of action, in obedience to the order of nature, and to the will of our Creator indicated by that order, so far from being inconsistent with virtue, or forming even an indifferent class of actions, is the true ground on which stands the most numerous portion of our active duties. Reason and nature require us to take care of our own preservation,

honor, interest, reputation in the world; to form families when this important relation can be conveniently supported, and to continue the race to future generations; but if the Author of our being had confided the fulfilment of these duties solely to the abstract dictates, and the dispassionate orders of reason, is there not just ground to apprehend that, either from inadvertence of mind, or from the difficulty of the task, they would have been often neglected? It was requisite, therefore, that we should be frequently reminded of what nature required, and stimulated to its performance by powerful constitutional impulses. To secure an end so important, the Creator has implanted in human nature a vast variety of instincts, propensities, affections, and connected them at once with our own happiness, and the best interests of society, and mankind. And by that wisdom with which he governs all things, has made our pleasures contribute to fulfil his benevolent designs. Indulged, then, in proper measure and proportion, they are not only lawful, but virtuous principles of action. They become vicious chiefly by excess; that is, when they defeat the intention of nature,—the safety and happiness of the individual, or when they interfere with the reasonable self-love of others. An example of the former, we have in the indulgence of sensual pleasure to the injury of our own health, fortune, or reputation; an example of

the latter, in the pursuit of wealth or power to the injury of our fellow-citizens.

That there are, in the constitution of human nature, affections of pure disinterested benevolence, requires, according to my conception, no other proof than our own experience. Observe with what a sudden impulse of joy a friend meets the unexpected return of an absent friend;—with what instinctive uncalculating ardor a mother will rush to encounter any risk to save her infant from the danger that threatens it. Does the friend, or the mother, wait even an instant to reflect what relation these objects have to their self-love, or what interest they may derive from their safety? Our interest, or personal gratification is always a secondary consideration. The impulse of nature tends directly to its end; its relation to ourselves and our own enjoyment is an after-thought. To say that, in the first instance, we perform a benevolent deed from the pleasure that accompanies it, and from a more refined sensation of self-love, is surely inverting the order of nature. For how shall it be known that pleasure is associated with the act, and that self-love can be gratified by it, unless from experience?

Hence results this conclusion, that benevolence, equally with self-love, is a primary and original law of human

nature;—a refined and exquisite happiness is the consequence of cultivating the benevolent affections, but, undoubtedly, not the cause of their existence;—benevolence being an original impulse of nature, man must be capable of primary disinterested acts of kindness and beneficence, that is, of beneficent acts anterior to all consideration of the advantages to our own interest or happiness which self-love might derive from them. In the progress of life, indeed, and the intercourses of society, we perceive a pure and refined happiness to arise from the frank and cordial exercise of the benevolent affections; we discover that an opinion of a man's benevolence often contributes greatly to his public reputation; at least the apparent want of humane and generous sentiments impresses a stain upon his character, and the association of these ideas becomes so deeply and intimately blended with all our offices of charity, and fills up so large a scope in our motives to its practice, that the advocates of the selfish system of philosophy are often able to draw large resources of example from the general feelings of society. But one would think that a stronger argument for the tendency of human nature to benevolence, independent of its relation to self-interest, could hardly be imagined, than the exquisite pleasure which accompanies its exercise.

The next faculty which I proposed to consider in order to present to you a comprehensive view of the active principles of our nature, was reason. Permit me, however, to refer you to the science of logic, which has lately occupied your attention, for an explanation of the nature and operations of this power of the soul, both in discovering and imparting truth.—Merely observing that, as the limited powers of the human mind are incapable of penetrating into the essential principles and structure of the different parts of nature, but can only distinguish them by their sensible properties, the knowledge of which must be acquired by observation and experiment, the chief offices of reason may be reduced to the four following.—In the first place, to direct and assist the human faculties, in the best manner, in making observations and experiments on the system of nature so as to acquire the most accurate and extensive knowledge of its various objects.—In the next place, to refer things to general classes, in which a community of properties is found; or, by the relations of resemblance, to arrange them into their several genera and species.—Thirdly, to discover general rules and laws of action, both in the physical and moral world; which are to be ascertained in the former, by a certain uniformity in effects leading us to ascribe them to some common law or power in nature from which they proceed; and in the latter, by a

uniformity of sentiment among mankind on the subject of conduct and duty.—And, finally, the last object of reasoning is to apply general rules to particular cases; as in the sciences of politics, jurisprudence, morals, philosophy; or reciprocally, to ascribe to individuals comprehended under general classes, their several characters, qualities, and properties.

These objects may be made to embrace the whole extent of human knowledge.

LECTURE XIII.

OF VOLITION.

Of the nature of the will—of the freedom of the will; or rather of the freedom of the mind in its volitions.—The decision of this question involves questions of great importance to morals.—Of physical and moral necessity—Correction of a supposed error in the phrase, freedom of the will—the error of saying, on one side, that the will determines itself,—or on the other, that it is determined by motives—it is determined by the intrinsic energy of the mind itself, assisted by its powers of deliberation and judgment.—Some plain and simple propositions on the general question.

THE will is that power of the soul, and volition the exercise of that power which is the immediate cause of action in man. Propensities, affections, and other active principles in our nature, may stimulate the mind to action, and thus prove motives to the exercise of its voluntary powers. These internal emotions, therefore, and the various external objects which tend to incite them, may be regarded as primary and remote causes of our actions; but the immediate and proximate cause, is volition.

The nature of the will is understood, as far as we understand any of the acts or powers of our own minds, only by consciousness. The plainest and most unlettered man perfectly conceives the meaning of these phrases, *I will*, and *I will not*. And the nature of this faculty, as of every other power of the soul, is understood only in its acts.

The principal enquiry on this subject which merits your attention, relates to *the freedom of the will*, as it is generally expressed; or, as it ought, perhaps, to be more definitely stated, *the freedom of the mind in her volitions*.—It is an enquiry on which volumes have been written by the most acute and distinguished metaphysicians, and moralists. And, as they have embraced directly contradictory opinions upon the question, or have come in their conclusions to opposite results, it is probable that there is some peculiar subtlety in the subject, or that they have set out in the discussion on erroneous principles, or embarrassed it by the introduction of the peculiar tenets of their respective sects of philosophy or religion.—One party maintain not only that the will is free in acting, but that it determines its own acts. Another party contend that the will is, in all cases, determined by motives; that it cannot act in any other way; and that, therefore, it must necessarily be determined by the strongest motive, or the last motive in the view of the mind at the

time of acting.—That is, laying aside all consideration of the interior energy or power of the soul over its own acts, the will is, by a separate mechanism, subjected to the impulse and control of motives, as the water wheel, to use Dr Priestly's own analogy, is to the force and gravity of the fluid that turns it round.

One would think, indeed, that it is a question of the utmost simplicity, and the most obvious solution. It is a question strictly of experience; and to experience alone we ought to appeal for its decision. Every man is conscious to himself that he acts freely; and that, in all ordinary cases, when he is not under the impulse of some violent passion, or under the commanding influence of some inveterate habit, he has it in his power to pursue a directly contrary course of action, from that to which he is invited by the present predominant motive. But philosophers have opposed speculation to fact; and commencing with an erroneous principle, that the acts of the will must be determined solely, and irresistibly by the motives before it, as they are presented in the order of nature, they have been led to conclusions contrary to nature and experience. We seem to be free, they say, yet, we are only borne along by a powerful stream to which we make no resistance because it concurs with our inclinations; but which, otherwise, it would be vain to attempt to resist.

In the beginning, permit me to observe, that the decision of this question involves considerations of no small importance to morals. The doctrine of necessity, when pursued to its ultimate consequences, appears to destroy all moral distinctions, and to take away merit from virtue, and demerit from vice. I am aware that notwithstanding the errors of speculation, nature will often find means to enforce the practical dictates of truth and reason. Many of those philosophers who have most strenuously contended to bind the moral world under the chain of a speculative necessity, not only obey the laws of virtue themselves, but, would reprehend any departure from them in others, no less severely than the advocates of a rational liberty. It is, however, too much to be apprehended that the greater part of the modern disciples of this school, have intended to annihilate the true distinction between vice and virtue, except so far as it may be made a convenient political engine of public order. On the regulation of individual manners it has certainly an unfavorable aspect. Those writers who have embraced the system of necessity, connecting it at the same time with the principles of religion, have endeavored, except Dr. Priestly, and a few others, to state a distinction between physical and moral necessity. After all the explanations, however, which have been given of these phrases, they appear to amount only to

this, that the one is the necessity of matter, the other, the necessity of mind. The consequences of the doctrine on the merit and demerit of virtue and vice, seem not to have been, clearly at least, guarded against by the friends of the latter phraseology. If by moral necessity were intended to be expressed the extreme difficulty of changing, or correcting old and inveterate habits, we could admit it as a justifiable figure of speech. But if it be meant to indicate a real necessity, in vicious men of acting immorally, resulting from a depraved disposition of the heart, which is natural, constitutional, incurable, I see not how the term, so circumstanced, at all relieves the consequences, as to the accountability or guilt of the agent, imputable to the principle of physical necessity. To say that the course of immoral action being voluntary, is therefore criminal, is merely an abuse of words, when the will itself, in the language of these writers, is infused by the author of our being; at best, is the necessary result of the moral constitution of man.*

* It will be easily perceived that, in these reflections, there is an oblique reference to the extravagant, not to say atheistical tenets of some metaphysical divines. I mean not, however, to enter into any religious discussion. The depravity of human nature, which the scriptures teach, and which experience proves, I am very far from denying, but would strenuously assert. But can any moral necessity be attached to man's condition of depravity, which was not attached to his original

The controversies concerning liberty and necessity have been extended to so great a length, that it would be impossible, in a course of lectures like the present, to give even a concise abridgement which would be intelligible, and satisfactory, of the various reasonings which have been held on one side and on the other. They have, besides, been so mingled with the doctrines of religion, converting the simplicity of the gospel into a system of abstruse metaphysics, that it is become almost dangerous to touch a subject on which each party claims a merit for detecting a latent heterodoxy under the most guarded and philosophic expression of truth. We often see, moreover, speculations so bold, and hear a language so presumptuous, with regard to the power, liberty and prescience of the Deity, as are sufficient to deter us from a subject, simple and obvious in itself, but puzzled by a vain philosophy, and no less vain theology, in which men, in proportion to their ignorance, affect to be acquainted with the inscrutable mysteries of the divine nature, and the way in which infinite wisdom is present with the human will.

state of innocence and perfection? Or do these writers forget their own principle that man has been placed in a new state of trial, under a dispensation of grace? But can any trial be imposed on a subject bound under the chains of an *invincible* necessity, though softened under the deceptive name of *moral*?

All that I propose upon the subject is to state in a few plain propositions, and in as clear and comprehensive a manner as I am able, as far as human duty is concerned, what I conceive to be the truth upon this question, which has been rendered obscure only in consequence of too much subtlety.

And, in the first place, it is of importance to correct an error in language, which has probably contributed, in some measure, to involve the question of *liberty and necessity* in that obscurity with which it has been so remarkably surrounded.—The *freedom of the will*, is a phrase which has been familiarly employed by all parties, and the propriety of which seems not to have been questioned by any. But volition being only an act of the mind, liberty cannot be so properly predicated of it, as of the mind which exercises that act.—When we speak of liberty, or necessity, as predicable of the *will*, there are only two forms of discourse which the advocates of the respective sides of this question employ;—the one, that the *will* determines itself;—the other, that it is solely determined by motives,—both equally unphilosophical and false.

If we ask how the will forms any determination? If the question is not an absurdity, because the will is itself the determination of the mind, we would be obliged to

answer by an identical proposition, that it is by an act of volition. If then we admit that the will determines itself, it can only be, if the phrase have any meaning, by a previous act of volition. And if we enquire by what is this act determined? we must in the same manner answer, by one still prior—which would lead us through an infinite series of volitions to determine one free act.

If, with the other sect of philosophers, we admit that the will is solely determined by motives, there is no avoiding the consequence that we are not free; but that all our actions are necessarily subject to the direction and control of that power, whatever it is, which orders the train of events, that is, the succession of motives, in the midst of which we are placed. The will not having any power of deliberating, or suspending its own actions, if there is no controlling power in the mind, it must, like the magnetic needle, be subject to the minutest force impressed, or the minutest excess of force between two opposite motives. On this supposition, the will, in all the ordinary train of life, pressed on every side, by motives of different degrees of strength, ought to be found in a continual vibratory state, till some one, more powerful than the rest, fixes its choice, or till it is disposed to settle on the last, which happens, at any moment, to be within its view. If the will, which has no power of deliberating, but solely of acting, is determined entirely by motives, it must be

merely the victim of events, or the slave of inclination, appetite, or passion, as it arises.

We shall, perhaps, arrive at clearer ideas upon this subject, and approach nearer the truth, by rejecting the phraseology of both parties, and, instead of admitting the hypothesis, either that the will determines itself, or that it is determined by the last or strongest motive in the mind, to lay it down as a principle upon this question, that the mind alone determines the acts of the will, as it does all its other operations.

If it be asked what advantage is gained by this change in the language usually employed upon this subject? For if it be admitted as a principle that the mind determines the will, must it not be by a previous act of volition, involving a similar absurdity to that which we have just rejected? I answer, by no means.—Although the mind determines all our other voluntary operations by the agency of the will; yet it does not thus determine the acts of the will. An act of the will is the determination of the mind with regard to some other object; not with regard to itself. The volitions of the mind are the effect of its own internal energy, not by a previous volition, but by an original, innate power over its own actions, of which every man who reflects upon himself is conscious, but which, like all the other primary perceptions, and opera-

tions of our nature, it is not easy, perhaps not possible, to express in words, except by identical propositions.

But if the mind is determined in its volitions by the influence of motives, will not the same consequences follow as have been shewn to result from the determination of the will by the same means? The will being merely an act, without the power of deliberation or resistance, must implicitly obey, according to its nature, the power which governs it. But the soul being endowed with the faculty of deliberating, judging, comparing, and estimating motives before it acts, demonstrates in the exercise of this power the freedom of its actions. If motive necessarily govern the mind, then the present motive at each instant, when there is none stronger to counterbalance it, or that among several motives which has any surplus of strength above its antagonists, must immediately, and antecedently to all deliberation, determine its action. But the exercise of its deliberative powers affords sufficient proof, that it still possesses the faculty of commanding its own actions. True it is, the mind seldom or never acts without some present motive, that is, without some end in view at the time, although Dr Reid has rendered it probable that, on many occasions, it forms determinations without motive, by the immediate energy of its own self-control; yet no one motive, nor any assemblage of motives, has power to compel it to act in this or that particular direction. We

can still deliberate, compare, judge, reason, concerning their respective value, and the degree of influence which they ought to possess. And when, at length, we yield to the influence of any one, we feel that we yield it a free homage ; we can resist it ; we are sensible of a power to follow the leading or impulse of any other motive within the contemplation of the mind ; or even of any which, though not present, we can call up at pleasure. Thus, though always situated in the midst of various motives, addressed to the principles of appetite, affection, passion, duty, prudence, interest, pleasure, yet are we always able to judge among them with freedom, and to admit or reject them at pleasure. The mind is placed as a judge listening to the pleas of different advocates, and when he has heard them, deciding with magisterial authority between them.

If it be asked, what influence, then, do motives possess over the determinations of the mind?—Only a moral and persuasive influence. Inclination, or duty present, on one side, or on the other, their respective claims, which are, in no case irresistible, unless we may, in some instance, except the effects of violent passion, or of inveterate habit, when the mind contemplates, weighs them, and on the result forms its resolution ; a resolution which on all the common occasions of life, it forms with promptness ; on others, with more deliberation ; but on all with perfect freedom.—Some writers, among whom

we may name with distinction Priestly, and Helvetius, represent human nature, even in the exercise of its moral and rational powers, as so entirely mechanical, that in the whole process of reasoning, no less than in the decisions of the will, it is subject to the certain, though unconscious control of necessity. The language of others seems to admit of freedom in the exercise of our powers, of deliberation and judgment, but, when the decision of the mind is made up, that is, when the motive is completely formed, then the correspondent act of the will must necessarily ensue. They compare the will to a balance in which the least preponderance of weight must turn the scale. And, if it were possible that motives perfectly equal in all respects, could be thrown into it, then it must be suspended in total inaction, like the school-men's ass between two bundles of hay.—All this subtlety of reasoning and deduction, I am persuaded, is contrary to experience, and to our natural feelings of liberty. This, indeed, is not denied by many of the most strenuous advocates of the necessitarian philosophy; though, like lord Kaimes, they say, the sense of liberty is only a delusive feeling, implanted by the Author of nature, more effectually to accomplish the purposes of our own moral machinery.

In the discussion of every subject, we should endeavor to fix, in the beginning, some clear and determinate

principles, that may lay a firm foundation on which our reasonings, and conclusions may rest. Our present subject, although it has been much embarrassed by erroneous hypothesis, and by subtle and abstruse speculations, affords some elementary propositions as precise and clear as those of any metaphysical question whatever. A few of these you will permit me here to state, giving them a very brief illustration, as it is not my intention to go into an extensive investigation of this much-agitated question, but only to open such an introduction to it as may assist your future enquiries.*

In the first place, it is acknowledged that, in the various operations of the mind in which the influence of the will is concerned, we are usually sensible of the solicitation of some motive more gentle, or more powerful; that is, in every thing that we do, we have commonly some end in view,—the gratification of some propensity, or affection,—the indulgence of some inclination,—or obedience to some dictate of reason or of conscience.

In the next place, although these motives prompt to action, and, in many cases, direct the tenor of our actions, yet do we never perceive that they impose upon

* Those who have leisure to enter profoundly into the question, may consult Leibnitz; Clarke, Locke, Hartley, Helvetius, Priestly, Kaimes, President Edwards, and Dr Reid of Glasgow.

the mind any necessary constraint in acting. This is a subject on which experience must be the sole test of truth. No speculative or abstracted deductions of reasoning, should ever be permitted to establish a conclusion in opposition to the simple and obvious perceptions of our own consciousness. For whatever be the action to which we are solicited, and by whatever strength of motive we are drawn, we find, unless it be in some paroxysms of violent passion, that we are able to suspend acting; we can act in a manner directly contrary to the attraction of the primary motive.—It has been objected to the argument which we would derive in favor of liberty from the power of suspending or altering any of our actions, that it does not in the least impair the principle of necessity; for the new act is the effect of some new motive, if it were only to make an experiment of our own power, which now in its turn possesses the necessitating influence.—I answer, that if the motive to this suspending act, were to make trial



power of suspension or of change which we always feel that we possess, whenever we please to exert it, is a decisive proof that the mind, in acting, is not subject to the constraints of necessity ; but, on the contrary, is perfectly free in yielding to the persuasive influence of any motive.

In the third place, the mind has the power of beginning action, or exerting the acts of its will by its own intrinsic energy. Surrounded by an infinite variety of motives in the structure of the world, in the state of society, and in the propensities, dispositions, and inclinations of our own nature, it has power to chuse among them at pleasure ; it can even change, at the slightest command of its will, the train of motives which it will at any time suffer to be present to its view. All this it does by its own inherent self-command. Motives may incite and awake the mind into action ; but they are subject to the control of the mind. And this control it exercises, not, as I have before said, by any previous act of volition, but by that internal energy and power which the mind possesses over the will ; of which every man who reflects upon himself must be conscious, but which he cannot in any other way explain but by referring to that common feeling of human nature. After taking a survey of the motives before it, and contemplating them as far as it deems necessary to forming a decision, it resolves : that resolution is its will ; in which

it acts like a master who has power to resolve in different ways, concerning the objects of its choice, not like a slave who is constrained to resolve only in one way.

The power of beginning action without being itself impelled by any extraneous impulse, is one of the principal distinctions between spirit and matter. Matter, that is impelled by other matter, receives an impetus according to the quantity and direction of the force with which it is impressed. And without the impression of some external force it is inert. But mind is essentially active; it is capable of beginning motion, and of communicating motion to other things, antecedently to the action of any anterior force upon it. Otherwise how shall we account for all the motions of the universe? how account for creation itself? For we cannot surely be under the necessity here of combating the atheistical absurdity of *fate*, and making all existence depend upon an abstract and unintelligible idea. The Infinite and Eternal Mind, the author of all power and wisdom, has given existence and motion to all things by that intrinsic power which mind possesses over matter, and over its own movements. He could not originally have been moved by any consideration, extraneous to himself. If motive can be ascribed to the Deity, the motive, the power, and the wisdom in him must have been simultaneous and co-eternal with his existence; or if we can conceive of any order in the divine mind, power, and

wisdom, must have been prior to any system of motives that could arise out of the arrangement of the universe ; for that arrangement, and every motive of action resulting from it, must have first been conceived, and received effect from him. He was self-determined by his own sovereign power and wisdom, conceiving most freely the system, to which he freely gave existence. To say, with Leibnitz, that there was a *best* in the plan and idea of the universe antecedent to the act of the Creator, which of necessity his infinite power converted into fact, seems certainly a very unfounded principle. Much more consistent it is with our apprehensions of the wisdom, power, and perfection of the Deity, to believe that he could have conceived an infinite variety of systems, any of which should have been equal in its structure to that which he has formed ; but, in his sovereign pleasure, he gave effect only to that which exists. No antecedent motive in the state of the universe influenced his action. He created all motives ; and in its conformation, and arrangement, only gave existence to his own idea. As an inherent self-determining power is essential to the infinite mind by which he controls all the movements of the universe ; so has he given to man to possess an image of that power, in the control that he enjoys over his own will and over all the actions of his mind, as well as of his body.

In all disquisitions concerning the will, it ought perhaps to be laid down as a primary principle, than which there can be no axiom in science more evident, that the mind is perfectly free in her volitions. It stands on the same footing with the clearest testimonies of sense and consciousness. This, indeed, is confessed by some of the most strenuous advocates of necessity; although in order to preserve their theory they are obliged to maintain that it is a delusive feeling. They lay it down as a maxim that the human mind acts and can act only in consequence of motives; whence, as they conceive, results this necessary consequence, that it must be determined by the strongest motive, or at least by the last motive immediately present to its view before acting. Whence arises this ulterior consequence, that, the train and order of motives being arranged by another power than man's, his mind, in all its acts, is subjected to the law of an imperious necessity, over which it can have no control.



sions into practical life. The invincible feelings of liberty, every moment stand in the way of their uncomfortable speculations. Not a few of these hardy philosophers, however, like the French Helvetius, and the British Kaims, boldly avow the moral results of their system, and declare virtue and vice to be only names invented for the use and convenience of society. If the existence, or the happiness of society depends so much upon these names, there can hardly be conceived, one would think, a stronger argument for the reality of the things. But if we degrade a consciousness so clear and determinate into a deceitful feeling, by what criterion shall we admit any principle of science to the rank of an axiomatic or first truth? Is there any proposition, or even any perception of sense, more clear, or more irresistibly convincing than this, that we are free in acting? The clear and ultimate perceptions of nature are the foundations of all truth and certainty in reasoning.

Before I conclude my reflections on this question, I must observe that liberty, as a principle of moral action, has a much more extensive power than merely controlling our general conduct within a certain sphere, according to our present inclinations and dispositions. It extends to the power of resisting our inclinations, of correcting any habits of thinking and acting which may be in opposition to our duty, interest, or pleasure; and in a word,

of changing our moral dispositions. Of this we need no other proof than the obvious effects of moral culture. The most ignorant mind may become enlightened, the most rude and uncultivated taste refined, and the most vicious disposition reformed. And this effect we see produced simply by presenting clear ideas, and distinct examples of virtue, and of taste before it; and by illuminating and directing it in the free and proper exercise of its natural faculties and powers. It is true, when any violent passion has seized, or any inveterate prejudice, or habit, has in a manner incorporated itself with the soul, it becomes extremely difficult, and, in some cases, almost impossible to effect a favorable change. But the ideas of difficulty, and of necessity, are totally distinct. And surely the increasing strength of all moral habits arising from time, and by indulgence, conformably to universal experience, is an argument against the fatalists; unless they will imagine a useless distinction of grades in necessity, where every grade is uncontrollable perdition.

An argument is sometimes employed on this subject which would operate against all power of moral reform in vicious men, unless there be presupposed in them a miraculous change, that is, a change wholly independent on all natural means of instruction and cultivation in the moral dispositions of the heart. Without such a change,

it is asserted, in which, however, the will of the agent cannot have any concern but that of a passive subject, no moral motive can have effect in producing the habits and principles of virtue. A man of depraved affections, it is said, is blind to the proper beauty of virtue; and has, moreover, an aversion to the purity of its sentiments, and to the restraints which it imposes on his inclinations. On both these grounds, therefore, in the first place, want of discernment of the excellence of virtue, which will hinder the effect of any motive drawn from that source; and, in the next place, aversion from its restraints, and from the purity of its sentiments, he will be hostile to every virtuous reform, and therefore incapable of true virtue, as long as he is left merely to the action of his own natural powers.—This is a mistaken view of human nature. There are principles in the moral constitution of man, which lead even the vicious to understand, and approve a degree of virtue beyond their own present attainments, and enable them to perceive, at least, some faint and dawning rays of its beauty and excellency through the mists of their passions, before they are enamored of its perfection. Here, then, we behold a vantage ground, in advance of their actual state of morals, on which moral culture, reason and reflection can take hold to carry forward to an ulterior point, their improvements in knowledge and virtue. And as these

improvements proceed, the same means of assisting their progress continually advance before them.

In this process of the mind there is a striking analogy between the cultivation of morals and of taste. The uncultivated mind is blind to the finer and more delicate beauties of taste, as the immoral heart is to the excellencies of virtue. It prefers a ruder and coarser execution in all the works of art; because it is not yet prepared to understand and relish those of a higher and more perfect order. Still, however, there are principles in the rudest mind which give a perception of beauty and elegance, in examples properly placed before it, always in advance of its own present state of improvement, and its present powers of execution in the liberal arts. And in these principles we discern the means of still further improvements. These reflections exhibit a proof of the moral freedom of man, and of power over his own actions, to fulfil his duties, and, notwithstanding his present imperfections, to advance in the career of moral and mental cultivation, that ought to be very consoling to human nature. If well founded, they overturn the foundation of all the gloomy speculations of necessity and fatalism.

Appendix to the 13th Lecture.

Although I rely with confidence on the practical reasonings which establish the freedom of human action, and would by all means avoid placing speculation on any footing of equality with fact, and the practical feelings of nature, there is one speculative argument for the doctrine of necessity drawn from divine prescience which it may be proper not wholly to omit.—The knowledge of future events, it is said, can be founded only on the certain connexion of causes with their effects ; and this certainty, it is further added, can have no other foundation than the necessary operation and influence of the cause. Any contingency in the event, which they suppose to be an unavoidable consequence of the liberty of moral action, removes the sole ground on which prescience can rest.

How presumptuously will weak man speak of the incomprehensible nature and operations of the Deity, as if there could be any resemblance between the knowledge and action of the divine mind, and that of any of his creatures ! Can we suppose that he reasons, like man ; that he depends for his knowledge of future events on the concatenation of causes with effects, of premises with their conclusion ; and is obliged to proceed with the progressive step of mortals, along his chain of inferences ?—While we reject this unworthy conception of the Infinite, and

Eternal, Mind, it becomes us, on the other hand, reverently to believe that he is always present to every moment of duration, to every point of infinite space : and that his knowledge, instead of consisting of a train of induction, is immediate, intuitive, and from eternity, ever present with the future as with the past, with the freest action as with the most necessary event.

These philosophers repeat the assertion, that choice, or volition, without the necessary determination of motive, is mere caprice, or the uncertainty of pure accident. It cannot, therefore, be the cause of a virtuous act, which must always arise from good motives ; nor can it be an object of knowledge to any being. I answer that the persuasive influence which we attribute to motives relieves the principle from both these consequences. The persuasion of right motives is the only ground of virtue ; which would be destroyed by necessity. The same influence would be an ample ground of certainty to a mind which like that of the Deity should be able accurately to estimate the minutest relations of motives to the tempers, characters, and circumstances of men. A familiar example though derived from our imperfect foresight, may serve to illustrate this conclusion. When we thoroughly know the dispositions of our children, or our intimate friends, although they sometimes disappoint the anticipations which we frame of their actions, yet, in general

we can, without much hazard of mistake, predict, in given situations, what conduct they will hold;—not surely from any knowledge which we possess of the necessary connexion of motives with their ends, for they frequently disappoint us, but from our acquaintance, generally, with the persuasive influence of such motives, on such dispositions. And there are many occasions on which we can rely with confidence on that moral certainty which is the result of the free operation of moral causes.

Were, then, the prescience of the Divine Mind, who knows the minutest movements of the human heart, the slightest and most complicated influences of the infinitely various motives that address it, governed like that of man, by reasonings, inferences, or experience, how infallible might be his assurance, although not built upon the laws of necessity, but guided only by his perfect knowledge of their moral and persuasive powers?—But, as I have already said,—away with such unworthy conceptions and reasonings concerning the Infinite, Eternal, Omnipresent Mind!—All knowledge with him is intuition. It is connate with his existence. All eternity,—the future, as well as the past, is ever present to his immediate view.

LECTURE XIV.

CONTENTS.

OF THE MORAL FACULTY.

Of its nature—its objects—its extent—its end.

THE next of the constituent principles of human nature of which I mean to treat, and that which holds the most immediate relation to practical virtue, is the moral faculty; or, as Dr Hutcheson, and lord Shaftesbury, have denominated it, the moral sense. It belongs to the class of internal senses, and has this property in common with others of that class, that it imparts primary and ultimate ideas on the peculiar subject it was destined to enlighten, which cannot be acquired by any process of reasoning, nor by any other sense, or power of our nature. The



to a certain rule. But, in moral conduct, besides the conformity of an action to a rule or prescription of law, right implies its intrinsic and essential rectitude, as seen and approved by the heart, or moral faculty, when no idea of the control, or authority of law is taken into view at the time.

This sense is as much the natural and the only *organ*, (if that term may be applied to any of our principles of internal sensation) of the ideas of duty and of right, and their contraries, as the eye is of those of color, or the ear of sound. If we were void of this sense of morality, we might have from other principles in our nature, ideas of reasonableness, propriety, beauty, gracefulness in human actions; but of merit and demerit, of moral excellence, or of guilt, we could have had no adequate conception.

In treating this subject, I shall consider the nature of this faculty,—the objects of its approbation or disapprobation,—the extent of its influence, or how far it is a universal and independent test of the morality of actions,—and finally, the end for which it appears to have been implanted in human nature. After which I shall take notice of some objections that have been made to considering it as a distinct power of the mind.

The nature of the faculty is to be learned from the nature of the ideas with which it furnishes the mind. They

are all of that class which relates to duty and obligation, to moral rectitude and worth, or their contraries. When I am conscious of having done what I ought, when I approve myself for having faithfully fulfilled a duty ; or, on the other hand, when I perceive that I am culpable, or feel the sentiment of compunction for some omission or transgression of a moral law ; these are ideas imparted only by that faculty of which we are treating ; this is a language which it alone enables us to understand. The terms, however, belong to a class of ideas, different from any which have hitherto fallen under our consideration ; and much more important to human society.

By distinguishing accurately the objects of this faculty we shall arrive at more precise apprehensions of its nature.

The moral law of the universe being obviously intended to promote the good of the whole, the image and minister of that law in the human breast is conformed in its dictates to that great design. It requires, in the first place, that the matter and form of the action be conformable to the principles of justice and utility ; but, in order to secure a foundation on which the permanent interests of society can rest, it requires especially that the disposition and intention of the agent be upright, sincere, and benevolent. The moral rectitude or virtue of an action, however, is to be estimated chiefly from the latter consideration,

the intention with which it is performed. Hence result certain moral maxims which are universally acknowledged ; and with them accord the universal and calm dictates of the moral sense. For example, if accidental good or evil result from an action which the agent did not foresee nor intend, neither merit nor blame is justly attached to it, unless some ill consequence have been occasioned by a neglect which indicates a culpable inattention to the duties of justice, or benevolence.—For a like reason, a good or an evil intention will communicate its character of merit, or of guilt to an action, although unexpected, and insurmountable obstacles should have prevented the beneficent, or the injurious consequences it was designed to produce. And, on similar grounds, hurtful or imprudent actions may become criminal notwithstanding the best intentions, if men have not previously employed due application of mind to acquire requisite information on the subject of their duty. But if after having faithfully exerted in this investigation all the means of information in their power they still find themselves obliged, through ignorance, or unavoidable prepossession, to embrace an erroneous conclusion, an excuse for the error of the understanding, ought to be found in the integrity of the heart. According to the apparent claims of justice, or benevolence, the moral faculty will usually give a right decision. But it is of importance to observe, that on no subjects is

either to the understanding,
great political or religious
have been assiduously fos-
artfully inflamed. The magnitude
of the interests supposed to be involved
pose a fallacious face of virtue, and of
detestable crimes. The verdict of this
in our breasts may sometimes be surprised
of vice, under false appearances of rectitude
virtue. The reason of this will hereafter be more
particularly explained, when I come to consider how far
it is to be regarded as a universal and independent arbiter
of the morality of actions. In the mean time, I must
observe that, although uprightness of intention form
some palliation for error of conduct, yet to what extent
that palliation ought to be admitted, can be known only
to him who judgeth the heart. From the preceding re-
flections it results that the principal objects of the moral
sense are the dispositions and intentions of men, and the
external action chiefly as indicative of these inward
principles.

In examining the nature and tendency of those dis-
positions which are the objects of moral approbation,
they appear to be all of that class which more or less
directly contribute to the happiness of mankind. A fact
which furnishes one of the strongest proofs of the social

nature of man, and of the benignity of the Creator in placing in his breast the law of happiness, and guarding it by the most powerful sentiments of the human heart.

In estimating more particularly the degree of approbation, or of censure due to particular actions, it is not sufficient to take into view their immediate and momentary effects, but their permanent consequences;—the individual good or ill which results from them, but their diffusive influence;—not the benefit or injury of a single act in a particular case, but the consequences which would arise to social order and happiness from a general prevalence or allowance of similar acts. There may frequently exist particular departures from virtue, or particular infractions of its just and necessary rules, which shall hardly be thought to deserve severe reprehension from the singleness of the effect.—A case may easily be imagined wherein a slight aberration from the truth, a trivial theft, a secret amour, by which no person should be materially injured, and society should not sensibly suffer, might be plausibly palliated to a man's own heart who was not governed by pure and strict principles of virtue, and who looked no farther than to the individual act. But this is not the proper ground on which the estimate of the injuries to society, and the criminality of these acts should be formed. The true question is,

—what would be the consequences to the public morals if such acts, and such a rule of judging concerning them, were to be admitted as general laws of private conduct? The disorder and confusion resulting from such a lax morality would be sufficient to reprobate it in the judgment of every man who is capable of taking just and enlarged views of the interests of society. To a man of true honor, of a delicate and enlightened moral sense, an act of this kind, though it could be rendered ever so single and unconnected with general consequences, though it could be rendered ever so safe, and preserved ever so secret, would be instantly condemned, because, if every man were permitted to act on the same grounds, and morality knows no private laws, society would be dissolved.

The principal ground on which the whole moral law has been instituted is the happiness of human nature; and every act which commands the approbation of the moral faculty, either bears on its face directly some relation to the good of mankind; or, though less immediately and obviously, is connected with the general system of benevolent design in the universe. It is not always, however, the immediate view of the tendency of an action to individual, or to general happiness, which is the ground of our approbation, but frequently a certain perception of rectitude, of excellence, of moral worth, appearing in the

act itself. The firmness of a hero encountering danger in a good cause ;—the patience of a virtuous man suffering unavoidable affliction with resignation to the will of Heaven ;—the piety of a dutiful daughter, secretly giving her breast at the risk of her life to nourish a father in prison condemned by a cruel tyrant to perish with hunger ;—the conduct of Scipio restoring the beautiful Spanish princess who was his captive, to her lover who had been his enemy ;—or that of Cyrus in the midst of youth and victory refusing to see one whose reported charms might tempt him to do a dishonorable act, are examples which justly excite our admiration, and from their own intrinsic merit, and independent of every other relation, are perceived to be entitled to the highest praise and reward. True it is, that such virtues, when traced in all their relations, are found to form important links in the chain of general happiness. But, it is as true, that, frequently, that connexion does not immediately appear. And the Creator, in order more effectually to attain the benevolent purposes of his providence, has so constituted human nature, that these acts themselves, and independently of their consequences, become the direct and immediate objects of the approbation of the moral faculty.

The justice of this observation is chiefly perceptible in those virtues which immediately respect the government of ourselves, or the duties which we owe to our Creator,

...consequences of which are not so apparent
 ...those which fulfil the relations that we owe to man-
 ... The virtues of temperance, patience, fortitude, the
 ...moderation of our passions, the wise improvement of time ;
 ... On the other hand, the pious duties of a rational devo-
 ...tion, engage the approbation of the heart, not so much
 ...from any immediate view of their beneficent influence on
 ...the interests of society, though it is true, that the happi-
 ...ness of human nature is ultimately and deeply involved in
 ...their practice, as for their intrinsic rectitude, and con-
 ...gruity with the state and moral requirements of a rational
 ...being.

But the perceptions of the moral sense, and the sanc-
 ...tions of conscience, which is only the moral sense speak-
 ...ing with authority, have an ulterior view to a law, and a
 ...Supreme Judge, to which each man, in his calm and re-
 ...flecting moments, feels himself amenable. This suggests
 ...a new object to this faculty. In contemplating any moral
 ...action we consider not only its tendency to produce hap-
 ...piness, or to fulfil the claims of equity, but its conformity
 ...to a law, and the will of a Lawgiver who has a sovereign
 ...right to impose his commands upon us. These sentiments
 ...are essentially connected with the perceptions of duty and
 ...obligation, which peculiarly belong to the moral sense.
 ...And although this law is hardly at any time comprehended,
 ...in its full extent, except by a few who, guided by wisdom

and virtue, have made it the object of their study and research ; yet each dictate of the moral sense contains a portion of that law which is more or less clearly and definitely felt and acknowledged by the plainest and most uncultivated understanding. Hence the ideas which have existed in all nations, without excepting the most savage tribes, of a Supreme Judge,—of a certain conduct of rectitude which he approves, and of wrongs which incur his displeasure ; and hence, probably, the anticipations which have been universally entertained by mankind of a state of retribution hereafter ; and, at the close of life, have been found to animate the virtuous with hope, and to harrass the common crowd with distressing fears. These anticipations and apprehensions which have existed under one modification or another in every region, have, with no small appearance of reason, been attributed by many pious men to the remains of an original revelation imparted by the father of the race to his descendants, and by them preserved with more or less conformity to the original tradition, in the various nations into which they were divided. Giving all the weight to this pious conjecture to which it may justly be entitled ; yet, hardly, except by the light and dictates of this moral principle, could a tradition of this nature have been perfectly understood, or have procured such firm and general belief as

it has obtained among the mass of mankind in the different regions of the world.

It deserves to be particularly remarked that this natural moral law, as far as it is interpreted by conscience, and is enforced by the rewards or chastisements of its inward sentiments, does not bear the impression of an arbitrary law that depends merely upon will and power for its authority, and might, if the legislator had so pleased, have inverted the present ideas of right and wrong. The perception which accompanies these dictates of the moral faculty is that of an intrinsic, essential, and unchangeable rectitude, and excellence in virtue, and of guilt and depravity in vice. Whence results this consequence, that the ideas of a law of original and eternal rectitude, of a legislator and judge whose will this law is, of an intrinsic right and wrong, merit and demerit in actions on which the law is founded, are all objects, or dictates of the moral faculty, as soon as the mind attains any considerable degree of maturity ; and especially when assisted, as it may be, by the enlarged views of reason. These objects, properly defined and understood, will assist in giving a true estimate of the nature and end of this great commanding and judging faculty in the human breast.

I come now to consider the extent of the information afforded by this faculty,—or to point out its proper

office in our moral system.—This is the more necessary, because some writers have extended its powers beyond the sphere assigned it by nature; and others have too much contracted its influence, and devolved its most important functions on reason, custom, or education; and have pretended that moral approbation or disapprobation is merely a modification of our opinions on subjects of moral conduct, formed on one or other of these grounds. The philosophers who incline to extend the power of conscience have presumed to make it a universal criterion or test of what is right or wrong, virtuous or vicious in human conduct, so that simply by inspection it can, without any aid from reason, pronounce upon each action a clear and certain judgment.—This is arrogating to the noblest power of our nature more than nature intends. It cannot pronounce a decision with certainty upon any action, unless it is placed fairly and fully before the mind, with a complete view of all the circumstances necessary to give a perfect shape to the action, and to form a sound judgment concerning it. With regard to a large portion of the actions of mankind this can be the office only of reason aided by observation.

To render this remark the more obvious, I must desire you to bear in mind, that although the Author of our being has planted within the human breast the seeds of moral discernment, they require, in order to arrive at

full maturity, to be carefully cultivated. The moral principle, like reason, or like taste in the liberal arts, has its infancy when it is yet feeble in its perceptions, and liable to error in its decisions. And, like them, it acquires strength by experience and reflection, and especially by profoundly observing the course of human conduct, and tracing its causes, motives, disguises, and consequences ; and having, by reason of use, in the language of Saint Paul, the senses exercised to discern both good and evil. But, in the progress of this improvement from the first faint lights of childhood, to the maturity of the mind, the moral sense is often exposed to be in a degree misled by prejudice, by example, by false reasonings, as well as turned aside by overbearing appetites and passions. And, indeed, from these, and other causes, human infirmity may never be wholly exempt from many errors of moral judgment. But it would surely be absurd to suppose, because the moral sense is liable to error, that, therefore, it was not intended to be any guide or censor of our actions ; or, because reason is not infallible in her conclusions, that she is no judge of truth. Equally absurd would it be, on the other hand, to suppose, because man has a natural power of distinguishing right from wrong in conduct, or truth from error in science, that therefore, the faculties of reason, and moral discernment, have no need of cultivation. There is no

doubt that these principles of our nature are liable to great imperfections and sometimes to gross mistakes, in judging both of truth and duty ; but they are the best means of directing our conduct and opinions which our Creator hath placed in our power. And, as they are susceptible of great improvement in the nicety and quickness of their perceptions, the penetration of their views, and the justness of their decisions, they therefore merit the most assiduous cultivation. And, with respect to both it may be affirmed, that there are many truths, both of practical morality, and speculative science, which, although beyond the talents of most men originally to discover, yet, when clearly proposed to the mind are immediately perceived, and recognized from their own intrinsic evidence. Such benefits may our moral power derive from a judicious cultivation, and from prudently associating with them the assistance of reason, taste, and other congenial principles of our nature.

Having made these general observations concerning that principle which we denominate the moral sense, I shall next exemplify the interference and the use of reason in our judgments concerning particular instances of conduct. In every moral action the principal ground on which we form a judgment of its rectitude or pravity is the disposition or intention with which it is performed.

The external action is regarded principally as the visible expression of these inward dispositions. And it is a fact of the highest importance to be borne in mind in all our moral judgments of actions, that they often assume a variety of aspect according to the state of society, the manners and customs which distinguish an age, a nation, or even a sect of philosophy or religion, or still more particularly, according to the constitutional character and habits of education of an individual. The same external habit of an action does not always indicate precisely the same disposition. Here is room for the interference of reason to correct our own prepossessions by a more enlarged knowledge of the world, and of human nature. In the religious sects with which we are acquainted, an aspect which to one suggests the idea of extraordinary sanctity and abstraction from the world, to another conveys the opinion of meanness and grovelling hypocrisy. The vivacity and excessive complaisance of France, is apt to impress an Englishman with an opinion of the frivolity of the nation, which is retaliated by the French imputing to the English a savage surliness of character. Nothing can eradicate from the mind of a Turk a persuasion of the licentiousness of the manners of Christians, on account of the free intercourse permitted among them between the sexes ; because in the east, where women are, in a great measure, secluded from public view, such

liberties are never seen to take place except among the most profligate part of society : and they are ignorant of the influence of those civil, social, and religious ideas which combine to impress a totally different character on European manners. Capt. Cook in his first voyage to Otaheite formed an unfavorable opinion of the chastity of the women of that island from the frankness of their manners and the style of their dances, which future experience taught him to correct. The same circumstances or exterior face of an action may, from prejudices, habits, and certain associations of ideas previously contracted in a different state of society, convey the most erroneous indications of the moral character of individuals, sects or nations, whose manners have been cast in a different mould. In this fact we find a solution of that unreasonable bigotry and uncharitableness which mark the sentiments of various religious sects towards one another, and of the mutual contempt and aversion of foreign nations.

Does then this diversity of judgment concerning the same actions demonstrate any weakness, or uncertainty in the decisions of the moral faculty? I frankly answer, no. For when each action is placed fairly before the mind, disentangled from all those adventitious peculiarities which custom and education have connected with it, and which obscure and misrepresent it, this faculty will usually pronounce a clear and uniform judgment. We

may often pity the error of a mistaken education, while we acquit the upright intention of the heart. But, as I have said before, it is the proper office of reason, aided by experience and observation, to present the actions of men in their true light, disengaged from our fallacious prepossessions, and thus to make all the powers of our nature harmonize in forming just moral judgments concerning them.

I proceed to observe that, in the views just presented of the moral sense, it bears a striking analogy to our other senses external and internal.

This analogy I shall exemplify in the sense of sight, and in the faculty of taste, which embraces and unites all the finest powers of internal perception. Seeing imparts the ideas of color, and of figure in bodies. Taste is the perception of beauty in the works of nature and of art, as the moral sense is of what is right and wrong in conduct.—In a sound and mature state of these faculties, and in a favorable position with regard to their objects, they will impart nearly the same notices to all men. But the objects of sight may be placed in an unfavorable light, or an oblique position ; they may be surrounded by an obscuring, or discoloring medium. In cases of this nature, it requires the aid of reason and experience to correct the error to which the eye may be liable from the position, or

the medium which changes the aspect of the object. But when these correctives are properly applied, the notices of the visual organ will not be deceitful ; it will be found to be the only mean of conveying true information concerning the objects of sight.

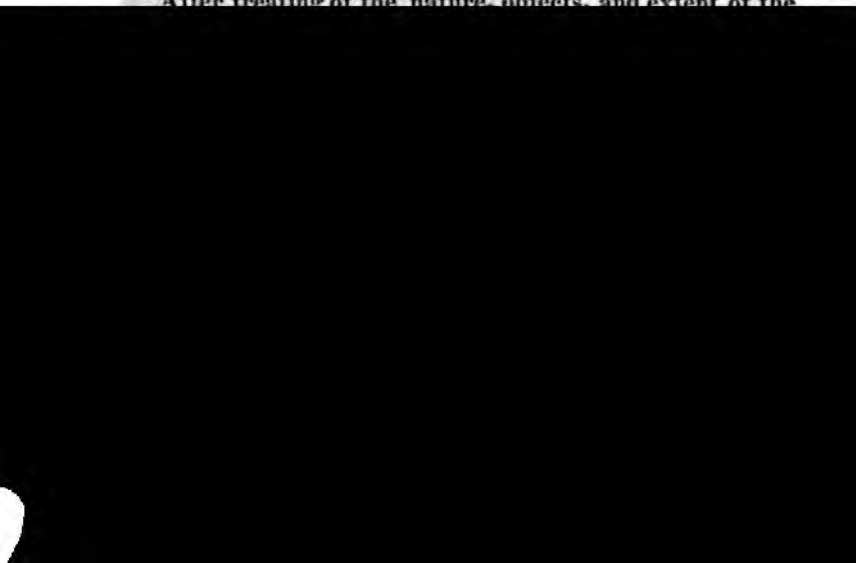
With regard to objects of taste, in like manner, the beauty of some is obvious on immediate inspection, as those of sight are in a clear and colourless medium. Others require a minute and critical examination before a just decision can be pronounced concerning them. In every work of genius it is necessary to ascertain its conformity to nature, and to those great principles which the enlightened critic has derived from the careful study of nature. This is the office of reason ; and when reason has been judiciously applied to this end, the power of taste will generally give a just, and a pretty uniform decision with regard to its real merit.

These examples serve in some measure to illustrate the proper office of the moral sense, and the extent of its influence and authority as a separate principle in our rational and moral constitution. It imparts the primary ideas of right and wrong, of merit and demerit ; and is accordingly invested with authority to pronounce judgment on each action which is fairly and fully exhibited before the mind. But to present it in this clear, full and

candid manner, especially where any obscurity, or doubt, originally rests upon an act, is the prerogative of reason aided by experience, and an extensive knowledge of human nature.

By giving this just extent to the moral faculty we take off the chief force of the objections of those writers who deny its existence as a distinct power in our constitution, from an apprehension that the friends of that theory would raise it into an intuitive and universal arbiter of right and wrong in human action.—I conclude by observing that by such a fair and equitable use of reason as auxiliary to the moral sense, we shall often perceive the necessity of equal candor and caution in judging both of national manners and of individual conduct. We may frequently discern unexpected virtues in the midst of unfavorable appearances ; and, often, vice is found to shelter itself under the imposing aspect of virtue.

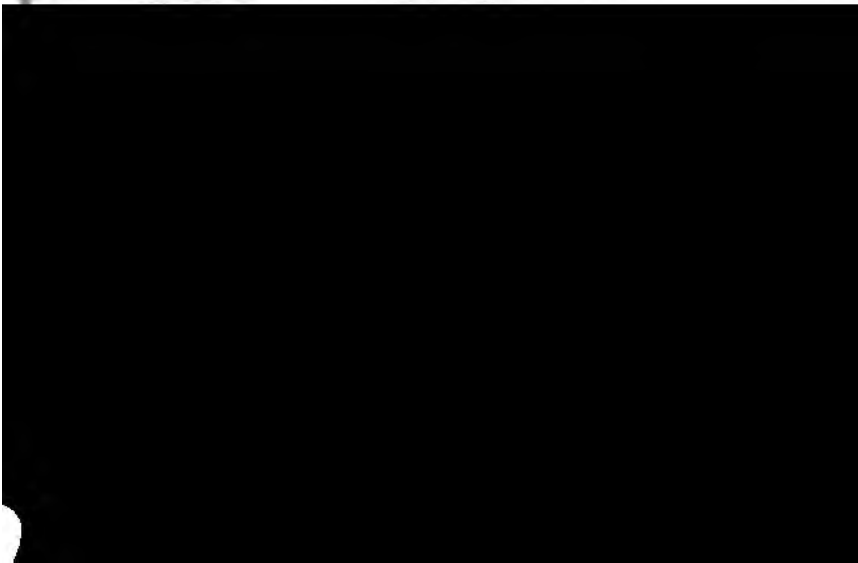
After treating of the nature, objects, and extent of the



to the purposes they were designed to fulfil. No one can doubt of the ends to which the senses, and the various active organs of human nature were destined ; nor can we be mistaken concerning the intention of our speculative powers, or our social affections. And certainly, on no principle in the mental and spiritual system of man does its end seem to be more legibly inscribed than on that moral power which is denominated the moral sense, or more commonly the conscience. Its natural sentiments point it out as the guide, the director and censor of our moral conduct. By anticipation, it indicates to us, on each action we are going to perform, what is permitted, what lawful, what forbidden by the voice of nature ; and on reflection, what has been praiseworthy or guilty. Its dictates possess an authority that points it out as a power designed to control our appetites and passions, which, without such control, acting with violence according to their several impulses, would produce only disorder and misery. Reason, on the other hand, from the nature of its remonstrances, which are rather advisory than commanding, though an useful auxiliary to conscience, seems not properly to be entrusted with the power of control. It can point out what is fit, what is safe, what is useful ; but to these ideas conscience adds the impression of duty, and gives them the authority and sanction of a law. It enjoins, it commands, it rewards, it punishes, it points to

the justice and power of a Supreme Lawgiver and Judge, of whose voice that of the judge in our own breasts is, the faint indeed, but commonly, the sincere response.

A man may be defective in other powers of his nature, and incur only pity or contempt ; but if he is defective in moral principle he deserves abhorrence. If he should violate the principles of taste, or of sound reasoning, our censure would be very different from that which he would incur for violating the principles of morality and a good conscience. The censure of imprudence is more easily to be borne than the remorse of guilt. And if the understanding has erred, we can more readily forgive it than if the heart has been criminal. Upon the whole, then, it is evident, from the majesty and authority of its sentiments, that it has been placed in the breast like a presiding judge. whom reason and the other powers of nature are destined to assist by their information, and their counsel.



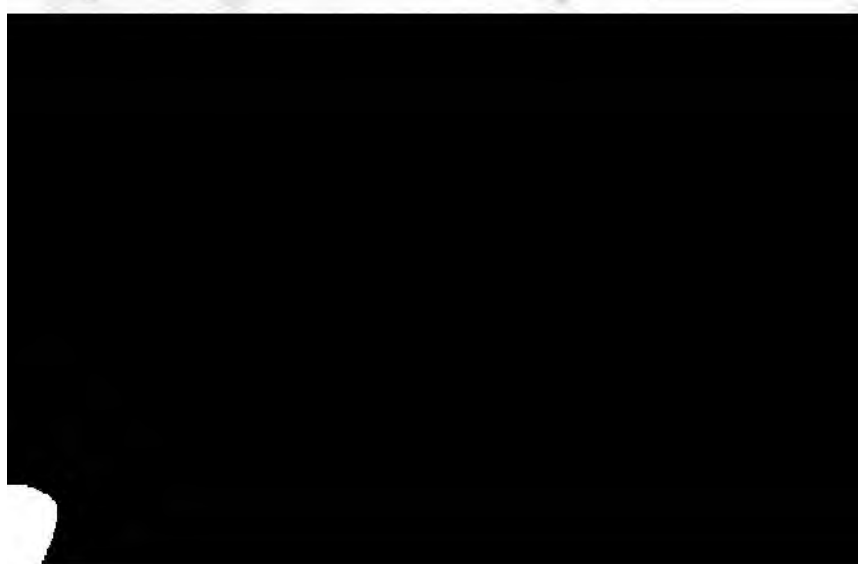
there is, upon the common rules of justice and benevolence, a general harmony of sentiment, there are exceptions from it, which they think could not exist upon the supposition of such a constitutional and instinctive faculty as a moral sense.

Dr Paley remarks, as examples of the uncertainty of this moral principle, whatever it is, "that there is scarcely a single vice which, in some age or country of the world, has not been countenanced by public opinion. In one country it is esteemed an office of piety in children to sustain their aged parents, in another to dispatch them out of the way. Suicide, in one age of the world has been heroism, in another felony. Theft, which is punished by most laws, by the laws of Sparta was not unfrequently rewarded."—He proceeds with other similar examples; to all which it may be sufficient to reply,—that the moral sense is not pretended to be a universal, instinctive, and immediate criterion of right and wrong in all cases, more than taste is, in all instances, of beauty and perfection in the works of nature or of art. It frequently errs through ignorance, and frequently through false reasoning, as I have already shewn; but we no less frequently err through prejudice in our estimates concerning the morality of actions which have received their form and habit in states of society different from that which has given the shape

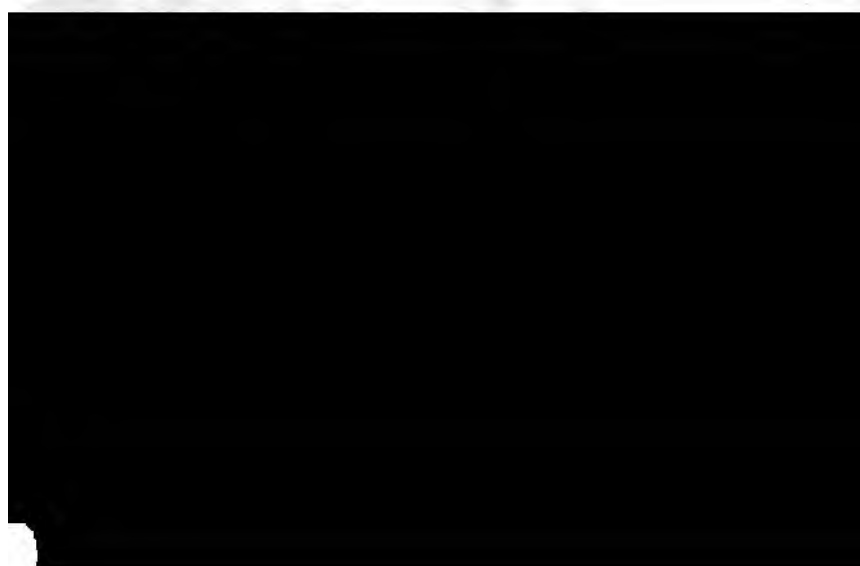
striking uniformity of moral sentiment, amidst the apparent differences of moral action.

But when that ingenious, and generally discriminating writer, whom I have just quoted, resolves moral approbation into a species of self-love, I trust every man will find the refutation of this opinion in his own heart which is not biassed by the excessive refinements of speculation. —“ Having experienced, says he, in some instances a particular conduct to be beneficial to ourselves, or observed that it would be so, a sentiment of approbation, [speaking of moral approbation,] rises up in our minds, which sentiment afterwards accompanies the idea, or mention of the same conduct, although the private advantage which first excited it no longer exists.”—Surely this interested approbation of what is useful or convenient, the tedious result of experience, ought never to be substituted in our theories for that prompt instinctive per-









THE FORMER PART EMBRACING,

I. The general principles of human nature considered as a subject of moral science.

II. The principles of ethics, or the moral relations and duties of men.

III. The principles of natural theology.

IV. And lastly, those of economics, or family relations, as preparatory to the consideration of the relations and duties of civil and political life.

THE LATTER PART EMBRACING,

I. The rules which ought to regulate the conduct of men towards one another in a state of civil society, and the means of enforcing those rules.

II. The rules and principles which give the form to the society or government itself, and which direct its operations.

III. And finally, the rules which should govern the conduct of independent governments or states to one another—the whole comprehending those general principles on the subjects of jurisprudence, politics, and public law, or the law of nature and nations, with which every man of liberal information in a free country ought to be acquainted.

BY THE REV. SAMUEL STANHOPE SMITH, D. D., L. L. D.

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LECTURES, &c.

LECTURE XV.

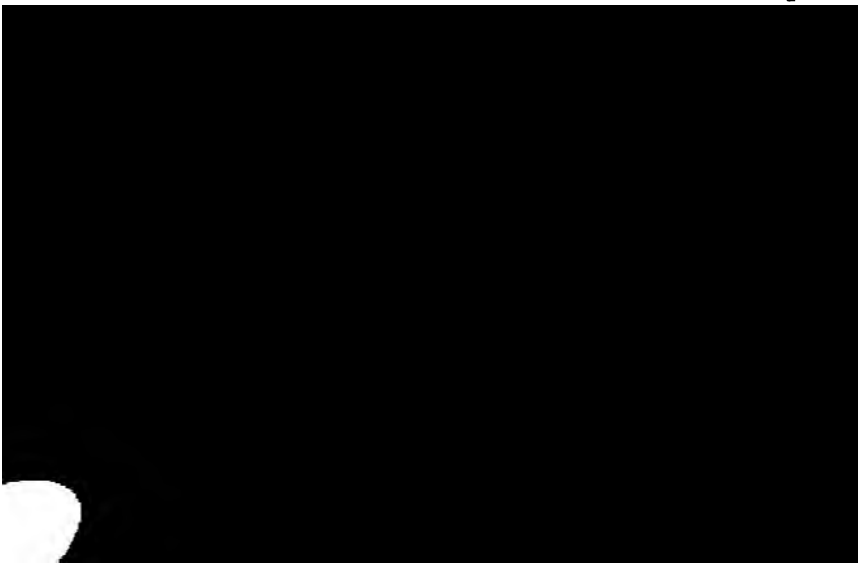
OF NATURAL THEOLOGY.

CONTENTS.

Of Natural Theology, wherein it consists, and its connexion with the science of morals—The proofs of the divine existence divided into two kinds, the scientific, and popular—Mr Hume's idea of cause—Sketch of Dr S. Clarke's demonstration of the being and attributes of God—The popular mode of reasoning from the works of nature to the existence, wisdom and power of its Author.—An exhortation to study natural history particularly with this view.—Proof of the same truth from the general sentiments of mankind.—Proof, from the absurdity of the reasons invented to account for the origin of things independent of God.—Chance and disorder ignorantly ascribed to the works of nature.—The attributes of the Deity—First, of the natural attributes, spirituality, unity, wisdom, power, eternity, omnipresence—Second, of his moral attributes, holiness, goodness—

ness, justice.—Some objections to the divine goodness on the score of the evils which exist in the world considered.—Of the evils which attend our entrance into the world, and departure from it.—Of the justice of God, distributive, and vindictive.

NATURAL Theology, which consists in the knowledge of those truths which may be discovered by the exercise of human reason alone, concerning the being and attributes of God, is intimately connected with the science of duty and morals. Among the strongest perceptions of our nature are those which indicate to us a moral law to which we are subject, and render us susceptible of moral obligation. From that sense of morality, which has been already explained, results a profound conviction of the existence of this law, and of a Supreme Law-giver who imposes obedience to it by the authority of our own internal sentiments, and by the reference which they bear to his righteous judgment which they teach us to ap-



science, unsupported by this principle, would impose too feeble a check on the force of irregular propensities, or the impulse of unlawful passions. A vicious man, accountable only to himself, would soon learn to overbear the remonstrances of his own mind. For although an atheist, educated in the midst of a religious people, may be preserved within the bounds of a decent morality, by respect for himself, or a prudent deference to the opinion of the world; yet if the belief of the existence of God were eradicated from the public mind, the mass of the people would esteem secrecy alone to be a sufficient justification of any action dictated by inclination. That useful influence which public opinion now creates in favor of virtuous manners, would on the prevalence of a general atheism cease to exist, and the bands of society, which are effectually maintained only by the public morals, would hasten to be dissolved.

Natural theology, therefore, brings to view the most powerful sanction of the moral law. It renders the law itself more clear by discovering the source from which it emanates :—inasmuch as the human mind, when sensibly placing itself in the divine presence, becomes more susceptible of the impressions of truth,—more ready to admit its evidence, and more apprehensive of being misled by the sophistries of error.—The theory of duty, therefore, is naturally conjoined with that science which

is employed in demonstrating the existence, and unfolding the perfections of the divine and infinite mind.

The proofs of the being of God have usually been derived from two sources—the necessary nature of our ideas—and the structure of the universe. The one has been denominated the scientific, the other the popular mode of proof;—or, in the language of the schools, reasoning *a priori*, and *a posteriori*. The former is reasoning from the cause to the effect, the latter, from the effect to the cause. Both these modes of proof rest on one common principle, or necessary idea,—that every effect, or every thing which begins to be must have a cause of its existence. It was one of Mr Hume's metaphysical peculiarities, to deny the idea of causality; maintaining, that, in contemplating the production of any effect, we have no other notion than of one event succeeding another. This position, which was intended to destroy our belief in creation, will find its refutation in each man's own clear and natural perceptions. Can any person declare that his ideas of succession, and of cause are precisely the same? It may be difficult, or impossible to give an accurate definition of the difference, because they are both ideas of the simplest kind, but may be perceived by the plainest understanding to be perfectly distinct.* Admitting, then,

* The idea of cause has, not improbably, been derived originally from some active operation of our own will upon some

the reality of the idea of cause, and the truth of the principle, that whatever begins to be must have a cause, the necessary consequence is, either, that the universe consists of an eternal succession of causes dependent one upon another, or we must look for its existence in some first cause, eternal, unproduced, the source of all motion and power in the operations of nature, the cause of whose being is to be found only in itself, and the necessity of its own nature. The idea of an eternal succession of events, each frail and imperfect, and all dependent one upon another, involves too evident an absurdity to be admitted by philosophy.

We are obliged, therefore, to adopt the only alternative that remains,—the existence of a first cause, original, and independent, from which all things else have been derived. If we ask whence then exists this first cause? Being original and underived, we can find no reason for its existence but in the necessity of its own nature. A being existing by necessity of nature, can never begin to be; it must be eternal. For the same reason, it must be unchangeable; for if any change could

part of our muscular system, producing an exertion of force or strength which is immediately followed by an effect evidently occasioned by that act. I by no means, however, give this as an adequate definition or account of the idea of cause, but only suggest it as a probable occasion of originally exciting the idea in our minds.

take place, there must be something in it which was not necessary. Infinity must be equally predicable of the same being; for how should it be limited when nothing previous existed to bound it? or how should necessary existence be confined to a circumscribed space? The unity of the divine nature is no less a certain consequence of this principle. Two equally necessary and infinite beings could serve no useful purpose that could not be fulfilled by one.—There being no reason, therefore, for the existence of a second, the idea, on all the rules of reasoning in sound philosophy, ought to be rejected. Besides, two beings equally infinite, must occupy the same space,*—being equally the cause of all things which exist, they must possess the same perfection; they must be, to every purpose of existence, the same being. This first and sole cause of all things in the universe must also be almighty; for whatever can exist, can exist only by him. And, finally, he must be all-wise, as knowing the natures and powers of all things possible, for nothing is possible but by him, and every thing is possible that he wills.

This is a very brief and partial sketch of the scientific mode of reasoning, or reasoning *a priori* on this subject. The most profound and masterly example of it which

* See three letters of Dr Clarke on the relations of the Deity to space, and duration.

exists perhaps in any language, you will find in Dr Samuel Clarke's demonstration of the being and attributes of God. But I confess these subtle arguments of a very refined speculation, are little calculated to produce any profound and permanent conviction on the mind. The extreme abstraction of the ideas, although they do great credit to the ingenuity of that celebrated author, can be comprehended only by a few reflecting-men; and the most speculative philosopher finds the effort to grasp them tend very much to exhaust the sensibility of the heart, and weaken their practical impression.

The second, or popular mode of reasoning, from the effect to the cause, is more simple and obvious. It is a species of argumentation which naturally offers itself to every man as soon as he opens his eyes upon the face of the world. It is a kind of evidence that reaches the simplest understanding, and becomes more luminous and interesting in proportion as we extend our observation and enquiries into the system of nature. When we behold its order, variety and beauty, the proportion and correspondence of all its parts, the evident demonstrations of wisdom and design, especially in the animal and vegetable worlds, in the structure of the earth, in the planetary system, and, as far as we can judge, throughout the universe, can we forbear to acknowledge a wise and intelligent cause which has planned and arranged

the whole? an omnipotent cause which has given existence to this immense and various structure? and an infinite providence which every where presides over its operations? The details of this argument are too extensive to be minutely pursued in such an elementary system of morals as that in which we are at present engaged. They are, perhaps, not necessary to convince you of that first of truths of which you are already deeply persuaded, and that meets you at every glance which you cast over the surface of nature. Yet, in your private studies, I cannot too strongly recommend it to you diligently to pursue your researches into the natural history of the universe, expressly with this view to assemble before the mind the multiplied evidence which it contains in every part, of the existence, and universal operation of a most wise, beneficent, and almighty power which pervades, and presides over the whole. The beauty, variety, and interesting nature of the study will abundantly reward your pains. But it will further be productive of a double advantage; in the first place, by giving additional confirmation to a principle of the highest importance to individual virtue, and to the happiness of society, which many occasions in the intercourse of life, the momentary prevalence of irregular passions, and at length even the fallacious subtlety of sceptical speculation, might frequently tend to impair: and in the

next place by producing a more profound and habitual impression of that truth on the heart. We may live in the midst of the most demonstrative evidences of it, while, at the same time, the attention of the mind may, from a variety of causes, be little attracted to its consideration. The evidence which now and then glances on the understanding, may not be affected by any doubt; but it is too superficial and transient to make any useful impression. It is only when it is often presented to view when the thoughts are frequently recalled to its consideration, when they ruminate upon it, that it becomes mixed and blended with the habitual contemplations of the mind, and the deep persuasion is lodged there as a constant spring of pure and rational devotion, and the most powerful motive of virtuous action. It is with this intention that I would recommend to you an extensive study of natural history as the surest basis, when prudently investigated, of natural theology. It is a study, likewise, which peculiarly contributes to purify, exalt, and delight the mind; and along with the charming enthusiasm of piety, to strengthen the most solid foundations of virtue, while, to use an expression of Malbranche, "it sees all things in God, and God in all things." Or in the more beautiful and picturesque language of the English poet—while in every part of nature it continually contemplates him

Who chang'd thro' all, is yet in all the same,
 Great in the earth as in th' ethereal frame,
 Warms in the sun, refreshes in the breeze,
 Glows in the stars, and blossoms in the trees ;
 Lives thro' all life, extends thro' all extent,
 Spreads undivided, operates unspent.

Pope's Essay on Man, ep. 1. l. 267—274.

This argument is admirably illustrated by the famous Genevan philosopher Bonnet, and by those very respectable English writers Derham and Ray. But, perhaps, no author has treated it with more closeness, perspicuity, and irresistible evidence than Dr Paley in his treatise on natural theology. You see there that mechanical contrivance, that correspondence of parts, that adaptation of means to their respective ends through all the works of nature, which are the most unequivocal indications of wisdom and design, as well as of power and goodness in its author. "Final causes, says a very judicious writer, may be considered as the language in which the existence of God is revealed to man. In this language the sign is natural, and the interpretation instinctive."*

Another argument to the same end which may be considered, either as different in its nature from the preceding, or as only shewing in a new and strong light its evidence and certainty, is derived from the universal con-

* Ferguson's institutes, part 3d. chap. 1, sect. 2d.

concurrence of all nations in this important principle, the existence of God.

The general sentiments of mankind point to truth. They are commonly intuitive, or necessary conceptions arising immediately from the bare inspection of nature ; or forcing their evidence upon the mind, like the first truths of science, simply by the comparison of our own ideas. The concurrence of all nations, therefore, in the belief of the being of God is a proof either, that ~~it~~ is a native sentiment of the human heart resulting from the constitution of our nature, resting on the same foundation, and entitled to the same credit with any other of our internal sensations ;—or, that it is a conclusion so clearly and necessarily flowing from the appearances of nature as to be obvious equally to the wisest and most uncultivated mind ; the rapidity of the induction giving it the appearance of an instinctive principle.

To this proof it is not a sufficient objection, that many nations have acknowledged a multiplicity of gods, and that, in all nations, the multitude have entertained unworthy conceptions of the divine nature.—The natural sentiments of the human mind may be corrupted ; or, being left in their original and uncultivated state, may be liable to many errors through ignorance. The principles of taste, notwithstanding their acknowledged foundation

in nature, may, in the same manner, be perverted by defective or erroneous culture ; yet their error, or corruption, instead of demonstrating that there are no such principles, is, on the other hand, a proof of their existence. Many nations, misled by the analogy of human governments, conceiving that the divine administration might be conducted by subordinate agents, by a very natural infirmity of the human mind, elevated each local and imaginary divinity to the throne of divine worship. But all mankind have ever acknowledged one Supreme Deity : and the multitude of subordinate officers, if they may be called such, which error has attached to him in his government, does not destroy the evidence of the principal and original sentiment, that God exists. Our object at present is to establish this single truth. And this truth is not impaired by diversity of opinion with regard to the mode of his administration, or the nature of his perfections. These ideas requiring greater precision of thought, and greater compass of reasoning, one man, or one nation, according to the advances they have made in the cultivation of science, may reasonably be supposed to have formed more just, or more inadequate conceptions of them, than another.

The truth of the divine existence is confirmed, if such primary and palpable truths can receive additional confirmation, by the absurdity of the causes to which atheists

have been obliged to resort in order to account for the origin of things. One of their first principles is that matter is eternal, and though senseless and inert, contains the essence of all order and motion. Another, that the intelligence which evidently reigns in the universe, is the result of material organization. And another still, not less extraordinary than either of the preceding, that, from the accidental collision of atoms, have been formed globes that, from some interior impulse, have thrown themselves into orbits constructed with the most perfect mathematical exactness, and governed by laws which ensure undeviating constancy to their movements. From the same accidental collision roots and seeds have been generated, whence the whole vegetable world has been evolved, and yearly reproduced. At this age of philosophy, one would think that such principles must carry their own refutation in the very terms of their statement. Look on any mass, or congeries of matter, and let the plainest, or most ingenious understanding decide if any arrangement of its atoms, according to any known laws of material action, could sublimate it, above all could enable it to sublimate itself into sensation and reason? Or is it possible that, if one lucky cast or collision among infinite millions, should have formed an animal or vegetable, it should have been so framed as to be capable of throwing from itself continually a similar assemblage of organized

atoms, while not another extraneous cast of the same kind should ever succeed in forming a new body?

But if an atheist ask us why, since we admit the existence of a wise intelligent cause only to exclude disorder and chance from the world, are there so many unseemly examples of both in the essential structure of things, and in the revolutions of what we call providence? It is, as I conceive, a sufficient answer, to deny the existence of either, and to challenge an antagonist to produce his instance.—For what is chance? Only a name to cover our ignorance of the cause of any event. Nothing can happen by accident in the government of an infinitely wise being. All events depend upon a certain concatenation of causes. The cast of a die is as certainly governed by the laws of matter and motion as the greater movements of the planets. What is disorder in the works of nature? A name which our weakness and imperfection presumptuously imputes to the wisest designs of Heaven. To judge perfectly of the order and regularity of the universe we ought to be acquainted with the structure of the whole system, and the particular end of every movement. Without this knowledge, imaginary irregularities will ever exist; but they will exist only in the imperfection of our own understanding. To the eye of ignorance what is beyond its own ken will look like confusion.—This is certain with regard to the works of nature, that

in proportion as her laws have been more clearly developed, and her operations more distinctly understood, many of those phenomena which formerly were esteemed to be irregularities are now discovered to be governed by the most wise, certain, and permanent laws. Even those stellar deviations, which were once thought to indicate the mutual approach of their spheres, and to point to some period of ultimate destruction, have been discovered by an illustrious astronomer* to have a relation to one or more great centers of motion indicated by their approximations, and recessions, by which according to the unvarying laws of central forces, they only the more certainly provide for the perpetuity of the universe.—One conclusion will obtrude itself on every reflecting mind; that, since the greatest portion of the works of nature, contain, even to our imperfect reason, the most obvious indications of intelligence, design, and goodness, if there are any parts which we are unable to interpret in perfect coincidence with the general system, this ought to be ascribed solely to the narrow sphere to which our intellectual vision is circumscribed. If a plain but intelligent man were admitted to the magazine of a skilful mechanician in which he was witness to the most admirable proofs of the artist's intelligence and skill, what could he conclude on inspecting a more complicated machine the in-

* La Place.

tricity of which he could not possibly comprehend, but that the seeming confusion which appeared to his senses, was attributable only to the imperfection of his own ideas? He could not doubt but that the same wisdom pervaded all the works of the same author.

It has been frequently and justly remarked that the universe is governed by general and constant laws which never change their operation according to the desires of men, or the convenience of particular parts of the system, which sometimes appear to be productive of accidental and partial ills. A tempest here, a drought there, a contagion, or an earthquake, may involve individuals in distress—but the fixed and unvarying laws of the physical world are among the greatest blessings to mankind. Among other benefits, they lay a foundation for the existence of the most useful sciences, which could have no principles on which to rest in a providence of expedients and accommodations to individual convenience. They serve to awaken enquiry, to exercise ingenuity, to encourage industry, to afford principles on which to ground a prudent foresight and precaution, and to promote the exercise of all the virtues which are assisted by the stability of nature. For a clear and luminous illustration of the utility of general laws, and for a judicious explanation and justification of the apparent and partial ills which result

from them, you will again have peculiar satisfaction in consulting Dr Paley's work on natural theology.

I proceed next to consider the attributes of the Deity more distinctly, or separately.

The divine attributes will not require an extensive illustration ; for, when once his existence is acknowledged, they recommend themselves so obviously to the common sense of mankind as hardly to admit of any controversy ; except with regard to those natural events which, in their first aspect, seem contrary to our apprehensions of his infinite goodness. These will of course require some additional considerations, after having proposed a general theory of the perfections of the Supreme Mind, to solve the difficulties which may occur on this subject to the reflections of a pious theist.

The attributes of God, then, may be arranged under two heads—the natural and the moral.—In the former are comprehended his spirituality, unity, eternity, omnipresence, power, and wisdom ;—under the latter, his holiness, justice and goodness.

The spirituality of the divine nature, is a property opposed to every form and refinement of matter ; and may be regarded as distinguishing the essence of the Supreme Mind from that fine but powerful influence, the

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result of the material organization of the universe, which some philosophers have substituted in the room of Deity, and made the cause of a universal necessity, or fate. It is opposed, likewise, to the opinion of those who have held the Deity to be the soul of the world; that is, a certain power, which, although intelligent, is still only a refinement of matter, a kind of spirit, or gas thrown off from the infinite system of its motions, or its original fermentations.

All just philosophy has considered matter as essentially inert, and incapable of beginning motion. Spirit, as we learn from our own experience, possesses a self-motive power, and the power of giving motion to other things. The existence, therefore, and the movements of the universe, are proofs of an original spirit who formed it, and gave it that impulse, and that system of combined motion by which its order is still preserved.

The only knowledge which we have of spirit is derived from reflection on our own minds, the essence of which we conceive to lie in thought, and volition. But it would be impious to imagine that we can thence form any adequate conception of the Divine and Infinite Spirit from whom all things proceed. By this term, therefore, applied to the Deity we can mean only to express a sub-

stance wholly different from matter, simple, uncompounded, essentially active, and intelligent.

The *unity* of the Divine Nature is deducible from this reflection, that we see evident proofs of the existence of one God, and we see no evidence of more than one. It is contrary, therefore, to every principle of just reasoning to admit a plurality. This conclusion is strengthened by that unity of design apparent in all the parts of nature. It indicates one author, one purpose, one end. How far he may commit the government of particular districts of the universe to subordinate agents, in order to employ their activity, and exercise their virtues, we have no grounds on which we can form a rational judgment. Even conjecture, therefore, ought to be silent concerning it, lest we should unawares awaken a degrading spirit of superstition. On subjects so remote from the sphere of human intellect and observation, in no department of science has conjecture or hypothesis ever led philosophy one step nearer to truth. It is even doubtful if the erring lights of false science do not lead the mind farther astray than the torpid dulness of absolute ignorance.

Of the almighty power, and infinite wisdom of the Deity there can exist no doubt in the minds of those who acknowledge his being. No more can we doubt of

his eternal existence, and his universal presence, although we are not able to form distinct and definite ideas concerning his relations to infinite duration and space. I shall, therefore, not consume your time in attempting to solve the many abstruse, and probably useless, and, to human intellect, inexplicable questions, which have been raised on these subjects by ingenious men:—but proceed to consider his moral attributes, holiness, goodness and justice.

Holiness is a term used chiefly by divines, and borrowed from the sacred scriptures, to express the purity of the divine nature, and its infinite distance from all moral imperfection. It is perhaps the best and strongest word in our language to convey the idea of his unchangeable love of the eternal and essential rectitude of that moral law which he has prescribed to his rational creatures, whose outlines he has traced upon the human conscience, but the perfect rule of which is to be found only in his revealed word. And it seems further to carry in its meaning, not only a pure and immutable love of rectitude, but an infinite abhorrence of vice; that is, of the omission or violation of the duties of the moral law. But, besides this peculiar meaning of the term as expressing a single attribute of the Divine Mind, it is often used in a more comprehensive sense, to express the

aggregates, and the most complete idea of all his moral perfections.

By the attribute of goodness is meant to be expressed the disposition, or tendency of the divine nature to impart happiness to the creatures he has formed, in a way accommodated to their respective states of being. This attribute we ascribe to the Deity from the tendencies to benevolent affection which he has implanted in the human breast;—and from that order, harmony, and beauty which exist in the whole structure of the universe, and which so naturally and strongly associate themselves with the ideas of beneficence in their author, by the happiness they create in those who contemplate them. It is farther confirmed by the existence of so many tribes of creatures capable in a high degree of pleasurable sensation, and actually enjoying it in different ways. All these facts contribute to impress an irresistible conviction of the benevolence of the Creator. When we contemplate an individual animal, what an immense complexity of parts do we observe combined in one system, all contributing to the preservation and enjoyment of the creature, which manifestly indicate the will and intention of the author; and shew the pains and contrivance, if these terms may be applied to the Deity, which he has used to render that animal comfortable and happy. But, when we behold creation filled with innumerable

species of being, and, under each species, innumerable individuals, down to the minutest insect tribes, in which we severally discern the same multiplicity of organs, and the same systematic combination, and subserviency to the purposes of enjoyment, how does the evidence of the divine benignity and goodness rise in our view! The air, the earth, the sea are full of animated and happy beings. Men often overlook these examples of benevolent design, sometimes from not perceiving the immediate utility of the creatures in the system of creation, and sometimes from their extreme minuteness. But the minutest insect is equally with the largest or most rational animal, susceptible of the most exquisite sensations of happy existence. And in the eye of the infinite being,

Who sees with equal eye, as God of all,
A hero perish, or a sparrow fall,

there is much less difference between an insect, and a man, than our vanity inclines us to conceive.

It is well remarked, by many ingenious writers, that the benignity of the Deity is visible not only in the structure of the animal system subserving so admirably the purposes of preservation, comfort, and defence; but in annexing such pleasant sensations, beyond what mere necessity would have required, to the exercise of the different faculties and powers of animal nature. Hunger

alone might have prompted it to eat, an operation which would have been sufficient for the sustenance of life. But the Creator has added to its food a relish, which seems to have had no other purpose but to increase the pleasure of existence. The objects around us in the structure of the world might have been applied to all the purposes of utility, although they had not possessed that beauty, fragrance, or harmony, which afford such superlative charms to the senses, and the imagination. There certainly never could have existed such exquisite adaptations of objects to the senses, and of the senses to their objects, if the Creator had not intended them for the ends of animal, and especially of human felicity. Not to mention in man his superior powers of moral, intellectual and social enjoyment, which open a much wider and nobler field of happiness if we had leisure to survey it.

But it is not so necessary to prove the reality of the divine goodness, which is borne in so many examples on the whole face of nature, as to account for some appearances, and to remove some objections which have been thought to contradict it in the order of divine providence. These consist in the numerous evils which are evidently mingled with good in the economy of the world.

The preponderance of good over evil in the general order of things, is acknowledged to be manifest and great. But the objectors reply, that if God were perfectly benevolent, and, at the same time, omnipotent, he would not have permitted the existence of partial evil. This is pronouncing on an infinite system from our own contracted views.—Can we say that, in a universe, benevolently constructed, there ought to be no gradation of being? Or, if gradation be admitted in perfect consistency with the infinite benignity of the Creator, is it not conceivable that a creature of superior powers of intelligence and enjoyment, may, by a certain admixture of pain, be brought in the scale of happiness to the grade of one of inferior powers, but exempt from suffering, and who shall have no complaint to prefer against the benevolence of providence? The reflection may apply to a nation, to a species of being, to a world. How far superior, then, may this world be, with all its sufferings, to other systems which may have no such evils to allay a happiness which, however, may be regulated on an inferior standard of sensibility, or of intellect! Would a man of high sensibilities, or of high intellectual powers, though they may often be the occasion of many errors, or of keen anguish, be willing to forego their pleasures, in order that he might be reduced to an apathy that would render him insensible to suffering? Let us

balance our goods against our evils, therefore our sufferings against our enjoyments, and consider ourselves as completely happy in that grade of felicity that is marked by the surplus of the one above the other. By such a calculation, how might mankind extinguish every complaint of the evils of life, and justify perfectly the benignity of the Creator? The conclusion, therefore, which each individual ought to frame with respect to himself, a true philosopher may justly infer for the whole species; unless any man should be so foolish as to imagine that existence alone gives him a claim on the beneficence of his Maker for the highest grade of felicity.

But why, it may be asked, should we be left to estimate our grade in the scale of being by the surplusage of happiness above pain? Or, why should pain exist at all in the system of a benevolent being?—Satisfactorily to answer these and a thousand other enquiries that might be instituted on this subject would probably require a knowledge of the nature, and the infinite relations of the universe, which none but the Deity himself can possess. We can, therefore, expect only from revelation the information which we desire, as far as he is pleased to impart it. But while we are compelled to resort to the feeble lights of our own reason alone for

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a solution of the difficulties which spring out of the combinations of an infinite system, we must be contented with such probabilities only as it can yield us.*—If, in the scale of existence, then, there be a place for such a being as man, with just such a measure of intellect, and sensibility, and with just such principles of action, continually requiring excitement and correction; and especially, if it be conceived that he is placed in the present world, in a state of probation and discipline for a future period, and a higher condition of existence, a supposition which to philosophy is as probable, as to religion it is certain, may not all the pains which enter into the moral culture of this life, be regarded as the discipline of a wise and gracious parent, and, therefore, as essential parts of a most benevolent system? Let us contemplate the relation which the pains necessarily incident to human nature, as it is now constituted, have to the improvement of its powers, and consequently to its happiness.—The wants of man contribute to rouse that industry, and habitual

* Rejoicing, however, that when we have explored reason to the utmost, we, as christians, still enjoy the superior illumination of the sacred scriptures, whence, if we cannot derive such lights as will satisfy every enquiry of an ambitious curiosity, we may, at least, draw competent satisfaction for a humble and rational piety; particularly with regard to this great question, why human nature exists in its present state of imperfection, requiring the corrections, and discipline of the pains and sufferings which we see attached to it?

exertion of all his faculties of body and of mind, on which their vigor and perfection principally depend. A paradise where all his wants should be spontaneously supplied from the abundance of the soil, and all his senses gratified by its fragrance, its beauty and luxuriant sweets, would deteriorate the human character, and sink the noblest creature in the world into a lazy, torpid, and vicious animal. The happiness, no less than the improvement of our nature, lies chiefly in constant and useful employment, stimulated by these necessary wants. Enjoyment seldom yields pleasures equal to those which arise out of the activity requisite to procure it. The very efforts excited by pain and want, or by the apprehension of them, often produce a satisfaction, or diversion to the mind which far overbalance their evils. Want whets ingenuity ; danger and suffering call into operation the virtues of courage and fortitude, that communicate a character of grandeur and nobleness to the mind which often raises it superior to the ills of life. And labor, however it might be the curse of man fallen from the perfection of a superior nature, is beyond a doubt the blessing of his present existence. Reflections of a similar nature might arise from an attentive consideration of every particular evil to which human life is exposed. And, in a moral point of view, how much more justly may we regard them as a part of the benevolent disci-

pline of our heavenly Father? They are correctors of the passions—they assist the habits of reflection,—and often recal the mind from pursuits injurious to its virtue and its true interests.

But, instead of examining in detail the various evils of life, and shewing how the goodness of God is affected in permitting their existence, I shall select only a few ; believing that, if, in these, the benevolence of the divine administration can be justified even to our limited understanding, a hint may be suggested, or a clue given by which its vindication may be pursued in other cases.—Take for examples, the circumstances attending the manner of our entrance into the world, and of our departure from it, which have been thought to involve serious objections against the benignity of the Creator. With regard to the former it may be fairly maintained, that the pains of bearing, nursing, and educating children, with the diseases and dangers of infancy, which seem, at first view, to be peculiar afflictions on the human race, will be found, on examining their connexions and all their relations, to be among the chief causes of the existence of society, and the felicity of social life. If children, like the young of other animals, were able to run as soon as born, and to feed themselves, with almost no dependence on the care of a parent, the powerful ties, and sweet endearments of parental affection, and of filial duty, would

be unknown. The union and happiness of domestic society would be dissolved ; and civil society, of which the domestic is the germ and the principal support, could not exist. Man would be a solitary and ferocious savage. The facility of rearing children, and their independence on a parent's care, would give the strongest encouragement to a vagrant and licentious concubinage, destructive of all the virtues, and of the dearest interests of human nature. Besides, the diseases of pregnancy, as human nature is now constituted, and the pains and dangers of child-birth, serve to endear the parents to each other, by the weakness, tenderness, and dependence of the mother ; by the honor, generosity, and sympathy of the father ; and an hundred fold to endear the child to the parent. And it is an acknowledged principle in human nature, that the troubles and continual solitudes of nursing and education, together with the necessary diseases and hazards of infancy, greatly augment the strength of parental attachment, and lay the most firm and lasting foundations of the unions, subordinations, and harmonious affections, first of domestic, and afterwards of civil society. In these pains, then, which have been selected as specious objections against the benignity of the divine administration of the government of this world, we find some of the principal sources of human happiness.

As to the manner of terminating the present state of existence by death, the necessity of it arises out of the structure of our nature. Death is the only way of giving to successive generations the means of existence. If this part of the plan of divine providence must be changed, the whole order of life must necessarily be changed with it. There could be no such creature as man in the scale of being. The institution of the sexes must be destroyed—the multiplication of the race must cease. The modes of subsistence on the products of the earth, which can sustain only a definite number, must be done away; and with these, as the whole state of human life is connected together by a close unbroken chain, must cease the operations of agriculture, the interchanges of commerce, and the entire system of the present occupations and pursuits of men. Man himself would be the first to object to such a new order of things.—If death, then, be a necessary part of the human economy, and to man himself it would be undesirable to change it, if it must be accompanied with so many other changes, still more unfriendly to the wishes and the comfort of mankind, the only question that remains, is, in what manner it may be best accomplished so as to attain the most useful ends of its institution?—Even if the whole of human existence were to be terminated by death, this last act of our being, so justly formidable to our frailty and imperfection, is but a momentary

pang, which has been far overpaid by the pleasures of life ; but if, as religion assures us, and philosophy renders probable, this life is only a period of discipline and probation for another state of being, and death is the avenue through which we must pass to it, certainly no method of approaching that decisive crisis could be imagined more beneficial than that which exists of attaining every good moral end connected with it—of making the descent to the grave easy to the virtuous—of impressing a salutary but not oppressive fear on all, as a useful restraint from vice—of preserving the mind, by its extreme uncertainty, always vigilant and attentive to the discharge of every duty, which is the best preparation for a tranquil exit from life—and finally, of inducing it to hold its present pleasures in a continual state of obedient resignation to the will of God, in the hope of exchanging them for such as are higher and more perfect.

To pursue the vindication of the divine goodness in the introduction of other physical evils into his general administration of the government of the world, would to you, I trust, be unnecessary.* Of the moral evils which

* On the physical evils incident to the animal creation, and particularly on that order of nature which has destined the weaker part as the prey of the more powerful, see many judicious reflections in Dr Paley's natural theology near the conclusion.

afflict the world, their origin, and their cure; and how they are made to illustrate the benignity and mercy of God to mankind, the only true, and satisfactory account is to be derived from revelation. They arise from an abuse of the passions, and of the moral liberty of man; but reason would be deplorably at a loss to find her way in the maze of doubts, and perplexities, which attend their existence in the system of a benignant Deity, if revelation did not put a filament in her hand, or extend a taper before her footsteps to conduct her through the labyrinth.—This belongs to the theological chair.

The only attribute which remains to be considered is that of justice. It is an invariable determination in the Divine Mind to render to all his creatures according to their works;—to the virtuous, reward,—to the vicious, punishment. This attribute we ascribe to God, from the dictates of conscience, and the sentiments of justice in our own breasts.—As philosophy delights to trace the most complicated effects, to the simplest principles, justice may, perhaps, be considered as only one expression of infinite benevolence, in which, by proper correctives, and restraints and examples, the injurious effects of the passions may be prevented, and individuals deterred from seeking their own enjoyments, by the sacrifice of a greater good in violating the general laws of order and happiness.

Justice has, by divines, been distinguished into two kinds,—distributive, and vindictive. The former has been already defined, and may be applied for the reformation as well as punishment of the offender; the latter is conceived to be the infliction of punishment on vice simply for its own intrinsic demerit, without respect to reformation, or any ulterior regard to a farther good end, except the general good of the universe. Conscience, in the nature of its reprehensions, makes us perceive that guilt deserves such infliction; and in its anticipations, in consequence of some atrocious acts of iniquity, often leads the criminal despairingly to fear it. These facts appear to indicate that the distinction has a real foundation in nature. And in these apprehensions, probably, we discern the source of those bloody rites of superstition which, on so many pagan altars, have dishonored the name of religion.

On this subject a theological question has been raised of great importance to religion, whether in consistency with the holiness and justice of the divine nature, the violation of the moral law, by any creature, be pardonable without a complete atonement, or full execution of its penalty? If justice be an essential attribute of God, and its claims be as necessary as his existence, the forgiveness of an offender can never be a gratuitous exer-

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tion of mere mercy. From this principle results an inference which is deeply laid at the foundation of the christian religion; the necessity of complete atonement to the violated law, and vindication of the offended perfections of God, in the person of a mediator perfectly adequate to render this satisfaction, in order to the exercise of mercy and forgiveness to the human sinner. —But the discussion and determination of this question also, I refer to the decision of another chair.

LECTURE XVI.

OF THE IMMORTALITY OF THE SOUL.

The only certain evidence of this truth to be derived from revelation—Reason can accumulate a variety of probable arguments to support her hope.—Many faculties in human nature which would perish without attaining their perfection unless there were a future state in which they should be unfolded.—The immortality of the soul an article of universal belief in all ages.—This not the effect of artifice and intrigue, but of an original principle in human nature.—Not sufficient objection against the universality of this principle that some philosophers have been found who have denied it, and some nations who have blended it with many errors.—Another argument found in the desires and hopes of good men, and the fears of the vicious, especially at the approach of death.—The effect of the disbelief of this doctrine on the public morals—The unequal distribution of providence in this life.—The nature of our future existence.

IT is not sufficient that we lay a foundation for the knowledge of the theory of virtue in the knowledge of the general principles of human nature, unless we can,

at the same time, propose motives to its practice that by their grandeur and interest may be able to overcome those temptations to the dereliction of our duty which are continually springing up in the heart amidst the errors of the passions, or assailing it under the masque of the pleasures of the world. With this view I have already offered to your consideration the evidences of the being and attributes of God, from whom emanates the law of virtue, and that structure of things in our nature and in the universe, which indicates the law to our reason, that the authority of his command, the consciousness of his presence, and the apprehension of his judgment, might add to the inward sentiments of conscience their most powerful sanction. With the same view I shall now propose to you those general arguments which we derive from reason for the immortality of the soul. The authority of the law of virtue would be very feebly felt by the greater part of mankind, if the expectations, or the apprehensions of existing after this life were not shewn to rest on at least probable foundations. We must confess, however, that probability is the utmost which reason has been able to attain on this interesting subject. We must look for that full and clear persuasion on which the soul can repose with tranquil assurance in the midst of affliction, and at the approach of death, only in the sacred scriptures. But the human

mind, in its anxious longings after immortality, is inclined to make the most of those feeble lights which reason holds out to encourage its hopes. And Cicero could only say, but he says it with the enthusiasm natural to a virtuous mind, that *if he were deceived in cherishing the hope of an immortal existence, he wished not to be awakened from so agreeable a delusion.* And Socrates, in his last conversation with his friends, just before drinking the fatal hemlock, thus took his leave of them,—*you go to your ordinary occupations, I to my fate; which of us shall enjoy the happier lot is known only to the gods.*

The christian revelation has produced such a deep and general persuasion of this doctrine in the minds of its disciples, as has induced a common belief that the evidence which reason yields in its support, is much more direct and clear, than, on the most fair and candid examination, it will be found to be. As it is imparted to us by the author of our holy religion, it is closely and inseparably connected with the doctrine of the resurrection of the body, of which his own rising from the dead is the great example, and the proof. Its evidence, therefore, rests simply in the word and promise of the Saviour.—There are, however, such strong and rational probabilities, drawn both from the physical and moral principles of our nature, as merit the most serious atten-

tion of the philosopher, and independently of the authority of revelation, are calculated to administer the consolations of hope to a virtuous mind. The physical principles on which we may be entitled to build any hope, have been already stated in the sixth lecture of this system. The moral reasons which may induce an assent to the same truth, I proceed now to lay before you.

In the first place, then, if the present were the only state of human existence, the designs of the Creator in the formation of man would seem to be in a great measure frustrated ; or they would not be conformable to the usual operations of his wisdom. We would behold the noblest being with which we are acquainted, just begin to evolve faculties which are never permitted to reach their full vigor, or to display their full beauty. Man is evidently possessed of talents which are progressive to an indefinite degree of improvement. Yet, no individual has ever carried any one talent, and, much less, the whole system of his natural powers, to the highest perfection of which they are susceptible : and less still has the whole race approached near to that ultimate point in the scale of being to which they are manifestly capable of arriving, and appear, in some period of their progress, to be destined. To arrest them, then, in the midst, or rather in the commencement of their career, when they are only just beginning to display those capacities which they

shall never fully unfold, seems hardly conformable to our most reasonable ideas of divine benevolence and wisdom. All other things which come under our cognizance in this world, have a point of maturity, that is the highest of which their natures are susceptible ; after arriving at which they gradually decay. Other animals increase to a certain degree of strength, and sagacity, which is evidently the ultimate limit within which their nature is restricted. Their several species appear to be equal in all ages. There is a point below which they hardly ever fall, and above which they cannot rise. It is far otherwise with man. The greatest part of his powers would be lost, and he would seem to have been made in vain, if there were not another state of being in which they may unfold themselves, and attain that perfection of which they seem to be capable. Hardly, therefore, can we conceive it to be consistent with the wisdom and goodness of God to bestow on man so many incipient talents to be checked, or cut off in the very commencement of their progress—germs that are never suffered to come to their maturity. Moral and religious sentiments, in particular, do not seem to have any reasonable object ; if we are to regard ourselves as being only particles of animated dust, destined to perish almost as soon as we begin to exist ; and have not, beyond this life, the hope of some nearer approach to the Deity, and the expectation of some reward

from him which shall depend on the purity of our pious affections, and the integrity of our virtuous conduct in this life. The sacrifices of virtue would be without remuneration; and the noblest dispositions of the heart, cultivated with the most devout care, would be like incense burnt, and scattered by the winds, before a being who regards it not.

Another argument of no inconsiderable weight for the doctrine of immortality is derived from the general belief of mankind. Such a universal concurrence of opinion indicates some original principle of nature on which it rests; which can only be the operation of God himself in the human heart. It has formed an article of belief in all religions. It has been laid at the foundation of all the political institutions of antiquity, as well as of modern ages. And no nation has been discovered so rude and savage, who has not, along with the idea of God, united that also of the future existence of the soul.—Some philosophers ascribe this interesting phenomenon to imitation, and the influence of education.—Where principles have already a real foundation in nature, education and imitation readily concur to strengthen their influence. But when they are entirely arbitrary, although one principle may take root, and be propagated in one nation, and a different one in another, yet when have we seen such uniformity in education among all the inhabitants of the globe? These

reflections may be illustrated by a familiar example. Filial duty, and respect for age, which are natural dictates of the heart, have formed a part of the domestic culture of every people ; but the arbitrary practice of making libations to the manes of departed ancestors, could never be extended, by the same influence, beyond the limits of the people who invented it.

It has been boldly asserted, but, I conceive, with even less plausibility, that the doctrine has been introduced, and obtained an influence in the world by the artifice of priests, in order to establish their authority over the multitude by the all-subduing charm of superstition ; or by the craft of politicians, and the legislators of the early ages, who found no better way to render their subjects obedient, and confirm the authority of their laws, than by the power of religious fear.—But, in answer to insinuations of this kind, we may well ask when had a few priests or politicians more cunning than all the rest of mankind ? Whence did they derive that superiority of mind to which the whole world has bowed with such implicit submission ? Or how have the ministers of religion, and the legislators of all nations, entered into a league to pass the same deceit upon the world ? Such concert among men of the remotest regions, and of the most opposite habits, opinions, and prejudices, is impossible ; and such

facile and universal submission in the mass of mankind to an arbitrary opinion, by whatever authority recommended, is incredible.—But if it be true, in the next place, that the order of human society cannot be perfectly maintained without the belief of a state of future retribution, and that, therefore, the whole ingenuity of political intrigue, and the whole force of political power, have been employed to establish this sentiment among the people, this is surely an argument of no inconsiderable weight for the truth of the doctrine. Otherwise, man must have been formed under the hard necessity of being continually deceived, in order to promote his best interests ; a consequence which we ought not to impute to the infinite wisdom and goodness of the Creator.

The universality of this belief, therefore, ought, I presume, to be ascribed to an original sentiment of our nature ; or, at least, to a conclusion that so necessarily obtrudes itself upon the mind from the united reflections of reason, and sentiments of conscience, that it may justly be classed along with our natural, and instinctive feelings. —And I have before remarked, that these universal dictates of the human mind resulting from the natural constitution of man, may always be regarded as the operation of God, and, therefore, pointing to truth. For we cannot conceive how he should be willing to deceive his

creatures, or that it should ever be necessary for him to carry on their moral government by deception.

It is certainly no proper or sufficient objection against the universality of this opinion, and consequently the truth of the principle connected with it, that there have existed philosophers who have denied it, or whole nations who have blended with it many superstitious opinions.—A minute philosophy, attempting to plunge too far into the subtleties of speculation, is often much less to be depended on as a guide to truth than the simplest dictates of the uncultivated understanding. We have seen it, at different times, violate every conclusion, and pervert every dictate of reason and common sense. We have seen it, in the hands of the most acute metaphisicians, deny the existence of matter, though palpable to every sense:—we have seen it deny the existence of mind, employing its own ingenuity against itself:—and, we have seen it deny both body and mind, substituting, in the room of both, and of the whole substantial universe, a troop of light ideal shadows which we can trace to no origin, and from which results no consequence.* It is not surprizing, then, if a few philosophers, in the pride of speculation, and the vanity of affected singularity, should have added, to their

* It has been justly remarked that there is no opinion so extravagant which has not found some one to maintain it.

other contradictions to the common opinions of mankind, the denial of a future existence, and the immortality of the soul.

The certainty of natural truth, in the next place, ought not to be questioned or denied, on account of the errors which either speculation, or superstition has mingled with it. Nature, on many subjects, particularly those relating to morals and duty, points to the general principle, or gives the general impression of the truth, but leaves it to reason, experience, and reflection, to give it its perfect shape and form. This each man will do with more or less accuracy and precision of idea, according to the strength of his intellectual faculties, united with his virtue, or according to the prepossessions, customs, and habits of his education. From every one of these causes a degree of error, particularly in a weak, or superstitious mind, may be mingled with truth, without, however, destroying its radical principle which is found in some original dictate or instinct of nature.—Of this an analogous example was furnished in the last lecture. The instincts, or original sentiments of nature lead with undoubting assurance to the acknowledgment of the being of God; but that important principle, ignorance has impaired by admitting a plurality of gods, and superstition corrupted by imputing attributes to the divine nature unworthy his perfections.—Another example may be

furnished in the seeds of taste, which are acknowledged to have been implanted by nature ; but, through neglect we may suffer them to shoot up wild ; or by improper culture, their qualities may be vitiated. Yet, even the corruption of a principle is a proof of its existence ; and the wildest growth of plants shews that the seed is there, which requires only a judicious cultivation to bring it to perfection.—The seeds of truth, therefore, of nature's planting, we ought not to eradicate, and cast away, because hitherto they may have grown wild, or because an unskilful husbandry may have suffered tares to be mixed with them ; but, like wise planters, set ourselves to give them every advantage of culture requisite to advance them to that state of improvement for which the great Author of nature designed them.

The argument, therefore, for the immortality of the soul, drawn from the natural feelings and expectations of mankind, remains strong, notwithstanding the gloomy speculations of sceptical philosophers, and the absurd admixtures of superstitious nations.

Another of the moral reasons on which we found our belief of this doctrine is the strong desire, and the hope of good men, and the apprehensions of the vicious ; which are commonly found to increase in proportion as they seem to be approaching the period of their earthly exist-

ence. The natural desire of immortality is certainly one of the strongest affections of the human heart, at least till the dominion of vicious passions have made it the interest of the guilty to fear it. Of virtue it is the most powerful motive, and the greatest consolation under the various trials of life. And on the violent and criminal passions of men there is hardly any restraint so effectual as the apprehension of a future existence, and of the retribution with which conscience always accompanies that fear. The hopes and fears of human nature, therefore, both concur to strengthen the probability of a renewed existence after this life. If this lively anticipation of a future being, in a happier state, be implanted in the hearts of good men by God himself, can we believe that his infinite benignity hath created in them desires only to disappoint them, and inspired them with hopes only to tantalize them? It would be an unworthy imputation on the divine perfection to suppose that he should convert the most pure and natural encouragements of virtue into its severest scourges. For what could be more painful to a virtuous and pious mind, than to believe that all his future and immortal hopes, which are ever the more elevated and strong in proportion to the sincerity and purity of his virtue, might turn out to be only an unreal dream?

The same conclusion is confirmed by the apprehensions of wicked men, especially under the stroke of any great

calamity, or at the approach of death. The conscience of guilt anticipates a retribution far exceeding any sufferings to which it is subject in the present life. And very few are the cases in which this salutary fear can be entirely extinguished by the hardihood of vice, or the principles of a perverted education. And certainly, it would not be serving society, or human nature, to attempt to remove from the minds of men those useful restraints which the wisdom of divine providence hath thought proper to impose upon passions, which would otherwise be dangerous to the peace of society, and to the best interests of virtue.

This argument is not a little strengthened by the effect which the disbelief of the immortality of the soul, and the doctrine of a future life, would have upon the state of public morals. The good could hardly find in the general order and distribution of providence in the present state, sufficient motives to sustain them in the continual conflicts; or to encourage the incessant efforts of virtue which are often painful and laborious, and not rarely exposed to extraordinary hazards. If the passions of men were freed from the salutary restraint of religious fear, and secrecy were, as it would then be, the effectual protection of crimes, the greatest infelicity and disorder would reign in society.—We may borrow some instruction on this subject from the courts of princes, and the capitals of wealthy and corrupted nations, where this doctrine is

treated with the greatest contempt, and moral principle is consequently most dissolved. If the whole capital were as corrupted as the court,—the entire country as the capital,—and all grades of the people were absorbed in the vortex of impiety,—the common sense of mankind, supported by the uniform testimony of all history, would pronounce such a nation on the verge of extinction. Among the principal symptoms and causes of that depravity, which generally precedes the ruin of states and empires, have justly been reckoned, by the wisest observers of human nature, contempt of religion, and disbelief of the future existence of the soul, and of those moral retributions which are always a necessary accompaniment of that doctrine. Some of the most eminent of the Roman writers ascribe the extreme corruption of the Roman manners towards the period of the republic, and the first age of the empire, to the introduction and prevalence of the epicurean philosophy, of which the final extinction of the soul at death was one of the leading principles. If these reflections be well founded, and the doctrine of immortality, with the respect for religion which naturally accompanies it, be necessary to the peace and order of human society, and the prosperity of nations, the truth of the principle is strongly implied.* It is unrea-

* See how this principle accords with that expressed by Cicero. *Orat. de haruspicum responsis*. *Quis est tam vecors*

sonable to believe that God has formed human nature in such a manner as to require that it should be governed by falsehood. We ought, on the contrary, to presume that all the plans of infinite wisdom do so correspond, that virtue and happiness, which appear to be the end of the whole, must be established by truth alone.

There appears, in the next place, such a promiscuous and unequal distribution of good and evil in the present state as gives strong ground to expect in some future period of our existence, a partition of the blessings and inflictions of divine providence more conformable to our ideas of the goodness and equity of the Supreme Ruler of the universe. If we behold here the ultimate plan of his moral government, it would be a most natural expectation to find virtue placed in such favorable circumstances that tranquility, comfort, and honor at least should be within the compass of its reasonable efforts; and that vice should be subjected to deprivations, and

qui, cum deos esse intellexerit, non intelligat eorum numine hoc tantum imperium esse natum, and auctum, and retentum? Quam volumus licet, P. C. ipsi nos amemus, tamen, nec numero Hispanos, nec robore Gallos, nec calliditate Pænos, nec artibus Grocos, nec denique hoc ipso hujus gentis, ac terræ domestico natioque sensu Italos ipsos, ac Latinos, sed pietate ac religione, atque hac una sapientia, quod Deorum immortalium numine omnia regi, gubernarique perspeximus, omnes gentes, nationesque superavimus.

inflictions that should bear some proportion to the disorders and enormities occasioned by it. Contrary, however, to that order which all our ideas of reason, and of the goodness, and equity of the Deity would suggest, we often behold virtue suffering under deep and unavoidable afflictions; and those afflictions, not unfrequently, induced immediately by its firm and steady adherence to truth and duty; while vice triumphs in the rewards of baseness and treachery. Many writers professing to put external circumstances wholly out of the question, have maintained that happiness, depending entirely upon the internal state of the mind, is more equally distributed according to the virtue of individuals than is implied in the objection; and that Diogenes in his tub was really more happy than Alexander on his throne.—This vindication of the perfect equity of the present arrangements of providence, supposing them to be final, is rather plausible than substantial. A few men, by religious enthusiasm, or philosophic speculation, may reduce or exalt their feelings to almost any standard. But, when we speak generally of the happiness of human nature, it is so much connected with the sensibilities of the body, and so much with the relations of society, and with ideas resulting from its customs, habits, and opinions, which necessarily incorporate themselves with all our feelings, that the external state, and visible condition of men must

afford us a more accurate criterion by which to judge of the equalities, or inequalities of divine providence, than any interior and invisible standard of mental feeling. And by this scale, surely, we do not perceive the rewards of virtue, or the chastisements of vice, bestowed in any equitable degree according to the respective characters of men. They fall rather according to the ingenuity, and perseverance of individuals, or the defect of these talents, or according to some fortunate accident, than according to merit.

This mixed and unequal distribution of good and evil is probably better adapted to a state of probation, where virtue is to be exercised and tried by being thrown into various circumstances of prosperity and adversity, than one that should indicate a more exact discrimination of character would be. But it is contrary to all the ideas we have framed of the divine wisdom, and beneficence, to believe that these probationary sufferings are to be the final reward of virtue; or that this mixture of pleasure and pain, in which pleasure predominates, is to be the final infliction of divine justice on that vice which disarranges the order and harmony of the moral world.

From these considerations, we have the justest reason to conclude that this mixed condition of human life, and promiscuous distribution of divine providence, indicates

to us only a preparatory state of moral discipline and trial that has an ultimate reference to another and higher condition of being.

And this hope we have seen to be confirmed by the analogy of nature which seems inclined not to leave any thing imperfect, and will, therefore, not crush in the germ, or arrest in their incipient state, so many noble faculties of the human mind which are evidently capable of attaining a degree of perfection which they never arrive at, and of evolving powers which they never display in the present life.—We have seen it confirmed by the general suffrage of human nature, resting, it would seem, on an instinctive impression, or intuitive conviction of the mind, and expressed by the religious opinions of all nations.—It is further confirmed by the hopes of virtue, and the fears of guilt, especially at the approach of death.—And it is confirmed, finally, by the unequal distributions of providence in the present world.

These moral reasons, when taken separately, may not be calculated to produce entire conviction in a mind disposed to weigh every argument with scrupulous distrust; yet, when assembled together under one view, they present such a group of probabilities as can hardly be resisted by a candid and ingenious understanding; and must make even the cold scepticism of infidelity relent.

But I must repeat again that full unwavering conviction on this most interesting subject can be obtained only from revelation, which not only assures us of the fact of a future and immortal state of being, but discloses to us in some measure, wherein it consists.

On the nature of our future existence, admitting, what reason I think demonstrates, that it is, in the highest degree, probable, being so far beyond the range of our experience, we can form no precise and certain ideas. We can speak of it only in the most general terms. But, from the analogy of what actually comes under our observation of the process of nature, we have just ground to conclude that the condition of human nature will be greatly improved above its actual state in the present world, both in personal form, (if, according to the ideas of religion, we look for a reunion of the body with the soul,) and in the powers of the mind. In those transmutations which pass under our immediate review in the insect tribes, we never see them pass from one state to resume the same appearance in another, but, in each gradation in their progress, they acquire augmented powers, and are invested with new and more beautiful forms. It cannot, therefore, be unreasonable to expect a vast augmentation in the active powers of our nature, both corporeal and mental, in the quickness and vivacity of the senses, in the beauty and excursive force of the

imagination, and the penetration and energies of the understanding. And the same analogies incline us to expect the addition, or developement of many new faculties of which, in the present state, the imperfection of our reason cannot form any conception.

Nor is it improbable that, in an immortal existence, the renovated faculties of our nature will advance forward in an endless progression of improvements, whether reason incline us more to the idea of one uniform state of existence, or to the pythagorean principle of successive transmutations. And, in the infinite system of the universe there is undoubtedly an ample theatre for an interminable progress both in knowledge, and in virtue. Nor can we doubt that there, the wisdom, the power, the goodness, and equity of the divine perfections will be more conspicuously, and illustriously displayed than in the present introductory state of being.

Such, without giving any unwarranted license to the excursions of imagination, and judging only from actual analogies presented to our reason, may we presume to be a just, as far as it is extended, though most imperfect outline of that future state of being, to which virtue ardently aspires, and to the hope of which the most cool and dispassionate examination of reason deliberately affixes its seal.

LECTURE XVII.

OF THE NATURE OF VIRTUE, ITS EXCELLENCE, AND
ITS SANCTIONS.

CONTENTS.

The denomination virtue, whence derived—Three principal questions raised by metaphysical writers on this subject, concerning its nature, its excellence, and the sanctions of the moral law—Different opinions concerning the nature of virtue—The opinion of the ancients preferred who maintained that virtue is acting according to nature.—The general principles which compose human nature—The powers and faculties of the body, though the lowest in order, are, however, not to be neglected in our theories of morals.—Above these virtue requires the cultivation of the intellectual powers—next of the social and benevolent affections—and finally of the moral principles.—On the excellence of virtue the same diversity of opinion exists, as on its nature—Its excellence intrinsic, necessary, and eternal.—Any change in the natural principles of the human constitution, would have altered only the modifications, and expressions of virtue, not its essence—The sanctions of the law of virtue, or the rewards and penalties which ac-

company obedience or disobedience.—These found in conscience, religion, and general interest—The great question agitated in the ancient schools, what is the chief good?—The opinions of the Epicureans, the Stoics, and the Peripatetics.

HAVING stated generally the principles of human nature, especially as related to our system of moral action, and exhibited to you, likewise, the most obvious evidences which reason presents to us of the being of God, and of the immortality of the soul, doctrines which give the greatest efficacy to the law of duty, it is time to come more particularly to the consideration of our duties themselves, the great end to which our preliminary discussions have been intended to prepare the way.

The performance of all our duties from proper principles and with right affections, is denominated *virtue*. But, before I enter into a particular detail of the obligations imposed upon us in our various relations, I shall make a few observations on the general subject of virtue which the metaphysical speculations of philosophers, both ancient and modern, seem to require.

Virtue is a denomination taken from a word in the latin language which signifies strength, or force,* be-

* A similar derivation is found in other languages of the correspondent term in them signifying *virtue*.

cause, in the first rude ages, when the speech of men was beginning to be formed, personal vigor, and courage, the usual accompaniments of bodily strength, were the qualities which chiefly attracted general admiration and confidence. *Virtue* was then equivalent to another phrase, *the perfection of our nature*; and this was esteemed, at that time, to consist principally in corporeal strength and activity, connected, as it was commonly supposed to be, with boldness and energy of mind.

In proportion, however, as other qualities grew into esteem in the progress of society, especially the good affections of the heart, which are so deeply laid at the foundation of social happiness, and public utility, the same term became, in time, easily transferred to express these, which were now regarded as the most estimable properties of human nature. And the transfer was the more easily made, because the highest courage is commonly united with the greatest benevolence, and with all those noble dispositions which chiefly contribute to the felicity of mankind.

At length, when the institutions of civilized society approached their highest improvements, the common happiness being placed under the protection of the laws, and individual security being less dependent, than formerly, on personal strength and bravery, the moral dispositions,

and is not grounded in arbitrary law by every reason-
 able creature. But the advantages of this opinion too
 frequently seem a virtue as if it were an effect of mere
 the rational faculty, overlooking the essential, in-
 tended an immediate feeling of its nature: a perfec-
 tion in its nature, a virtue with the nature of the
 thing. — We must now maintain the second and third
 positions, — namely, that virtue contributes both to
 happiness and to eternal happiness. But this should be
 understood rather as an effect resulting from virtue, in
 consequence of the very and permanent constitution of
 man, than as constituting its nature. Nor, indeed, is the
 consideration of our own happiness, at the time of acting,
 or the permanent consideration of the happiness of
 others, always the direct and immediate motive of many
 a virtuous act: but frequently we are urged to it simply
 from the sentiments of piety, of justice, or charity, from
 some natural instinct, or from the authority of con-
 science. — When, in the last place, virtue is said to con-
 sist in acting according to the reason and nature of
 things, the definition, though approaching to truth, seems
 to be by far too general. The being and nature of things
 embrace the infinite relations of the system of the
 universe, a very minute portion only of which, can be
 subject to our cognizance. Such a standard of duty, ex-
 pressed in such general terms, must be extremely vague,

unless, like God himself, we were intimately acquainted with the entire structure of nature. But, besides the generality of the rule, it labors under another defect. The system of things embraces physical as well as moral relations. It would make virtue, therefore, consist in skill in the arts, as well as in the practice of duty.

If the definition had been limited to our own nature; the mutual relations of its different principles to one another, and the relations of the whole to other sensible beings, I would be disposed to acquiesce in it. And, with this restriction, it would coincide, in a great measure, with that given by a large portion of the ancient philosophers, who maintained, that *virtue is living according to nature*.—that is, according to the respective dignity and importance of the different principles which enter into the composition of human nature;—according to the relations in which it is placed to other sensible beings within the sphere of its action; and, finally, according to the end for which it seems to have been formed.

Any system is then said to be perfect when it is conformed to the design of the maker, when it is possessed of all its parts, when they are arranged in the order in which they are naturally related to one another, and move in concert to accomplish the end for which they were intended. And although a machine, or a building

were deranged, so that the relations of the separate parts did not appear immediately; yet, a skilful machinist, or architect might, by a careful inspection and comparison of each part with the whole, determine, at length, its proper place, and use in the system. This analogy may easily be applied to human nature, although it be, as it is confessed to be, disordered by many criminal and irregular passions. By the proper exercise of reason, we may discern those principles which have acquired undue strength, or those, on the other hand, which are too feeble; or when the whole are in just harmony and proportion.

Let me employ another analogy for the sake of illustration. In the complicated machinery of a *time-piece*, if a few of the wheels, detached from the control of the regulator, were left to be impelled by the force of the spring, although their rapid motion, in that circumstance, would be conformable to the nature of such wheels urged by such a power, yet it would not be according to the nature of the machine. The union and subordination of the parts has been dissolved. In like manner, if a vicious man, under the impulse of passion, should abandon himself to any intemperate excess, although the disorder would be conformable to the nature of that passion acting without the government of reason and conscience, it would

not be agreeable to the whole nature of man moving as one system, according to the design of the Creator.

The preceding reflections may serve, in some measure, to explain the meaning of those who maintain this general principle, that virtue is living conformably to nature : that is, to nature, as it appears, from a careful examination of all its constituent powers and faculties, to have been its original state in the purpose and intention of the Deity ; and which appears, indeed, to be the natural and proper operation of all its parts, when they all move in perfect concert and harmony with one another, according to the relations which reason evidently indicates to exist among them. Human nature obviously appears to be, at present, in a state of moral derangement ; yet, as amidst the broken columns, and arches of some ruined temple, you can perceive what has been the beautiful arrangement and structure of the entire pile, so we can, even now, discern, among the disordered powers of man, what is the true glory of his moral and intellectual constitution.

For this purpose it is necessary to enter into a minute and particular examination of the constituent powers and principles of our nature, to enquire what proofs of excellence and worth they respectively contain ? what indications of natural superiority and title to command accompany the sentiments of some of them ? to discern which

afford the most pure, dignified, and durable enjoyments ? or which, on beholding them, inspire us with the highest admiration and respect, or procure for their possessor the most genuine esteem ? These enquiries, correctly answered, will point out the rank which each principle ought to hold ; the culture which should be bestowed upon each ; and the influence which they should respectively exert on our conduct and manners.

The general principles of our nature affected by such an investigation, may be ranged under the following heads,—the corporeal powers and appetites,—the social affections,—the intellectual faculties,—and the moral sentiments. Under each of these, however, are many subdivisions which it would be difficult to enumerate, and class in their proper order. They must be left to the reflection and experience of each person as objects occur, or occasions are presented in life, to call them into exercise.—But on the general divisions we may remark, that the faculties, propensities, and pleasures of the body are evidently the lowest in the scale, and the moral sentiments the highest. And, of the others, the social affections are, perhaps, superior in their intrinsic importance, and certainly in their influence on human happiness, to the intellectual powers.

From this transient and comparative view, although the corporeal part of our nature, its propensities and faculties, are by no means to be neglected in our theories of virtue, or in its practical details ; yet are they manifestly of inferior consideration to our moral principles, to our intellectual faculties, or our social and benevolent dispositions. These demand the supreme care, and the most-assiduous culture of every wise and good man, because they are the properties by which human nature is chiefly distinguished from that of the inferior animals. But it is a mistaken notion into which some ancient sects of philosophy fell, and which formerly misled many excellent men of the christian church, to suppose that the body is the seat exclusively of all vicious and corrupted passions, which, therefore, it is peculiarly meritorious, not only to restrain within prudent and virtuous bounds, but by voluntary inflictions and macerations of the flesh, totally to extinguish. On the contrary, as man is a reasonable being composed of body as well as of spirit, reason and religion both teach, that his Creator has charged him with the duty of providing for the improvement and perfection of his whole nature ; and consequently for the vigor and activity of his corporeal, not less, in their proper place, than of his mental faculties.

This care is requisite to enable him to fulfil, in the best manner, many of the most useful purposes of life. And those passions and affections which are supposed to have their seat chiefly in the body, such as anger, pride, the affection of the sexes, although their ardor requires them to be subjected to the habitual control of a prudent rein, are necessary as our nature is constituted, to the highest perfection of the human character. An apostle could say, *be angry and sin not*. And, certainly, the noble and manly countenance of conscious bravery without arrogance, united with the serene tranquility of benevolence and gentleness without weakness, presents in the human form and aspect a work most worthy of God. Let me again illustrate the remark in the affection which subsists between the sexes. None of the passions are more dangerous and corrupting when not placed under the government of reason and virtue. But, when subjected to the discipline of a virtuous self-command, it contributes to energy of character, to the cultivation of humanity and politeness, and to mingle a certain generosity, and elevated sense of honor in the manners of society, which would otherwise be liable to become rude and inhuman. So that the corporeal powers, and the animal affections, although among the inferior attributes of human nature, are far from being unworthy the consideration, and the well-directed culture of a good man. On the other hand,

as they form an important portion of our compound nature, and extend an influence not inconsiderable into the action and movements of our whole sensitive, rational, and moral system, they enter essentially into every just theory of virtue. A man, however upright in his intercourse with the world, however meek in his dispositions, yet if he is vapid, and without any point, and energy in his character, if he is gross and uncultivated in his manners, if he is even negligent and slovenly in his person, and without that attention to appearance which is requisite to render him acceptable in the society of his friends, is, in proportion to the neglect, defective in true virtue. And, although a maxim of Mr Hume's *that a reasonable attention to cultivate personal vigor, activity, cleanliness, and beauty, is essential to virtue*, has been sometimes treated with ridicule ; yet, has it a certain foundation in nature, and the genuine principles of philosophy. Nor can I think that it was altogether out of the view of St. Paul in giving the character of true religion, when, after enjoining *whatsoever are true, honorable, and just*, he adds, *whatsoever things are lovely, and of good report, if there be any virtue, if there be any praise, think of these things*.—On this branch of the subject I have insisted with the more particularity, because, in the theories of morals which have been proposed by various writers, it has so seldom received the consideration which it deserves.

The next class of the human powers is the intellectual, embracing, not merely the faculty of reasoning, or of laying down principles of science, and of pursuing them, through a legitimate train of inferences, to their ultimate conclusions; but the powers, likewise, of imagination and taste, and all those talents which go to form the genius, and are connected with the invention or improvement of the arts. It is indispensable to the character of virtue to cultivate these powers, which form the basis of the high distinction which human nature claims over the inferior animals, with all the assiduity that is consistent with the practical duties which in our various situations we owe to ourselves, to society, and to religion. All men, it is true, are not placed in circumstances equally favorable for the cultivation of their intellectual powers, nor do their avocations in life require, or permit an equal proportion of their time to be devoted to these refined and dignified pursuits. A great

disparity, therefore, must necessarily appear in the



its weakness, to check the boldness of hypothetical conjecture which is so often used to the great injury of science; and especially to repress rash and presumptuous conclusions on moral and divine subjects, instead of humbly soliciting the aid of that Infinite Mind, who, we have reason to believe, will sometimes deign to impart his suggestions to those who piously and submissively wait for them.* As there is no exercise of the human faculties more favorable to virtue, than the humble, patient, and diligent cultivation of the intellectual powers; none is more unfriendly than a bold licentious indulgence of the imagination, on the one hand, or on the other, of those refinements in speculation which attempt to push the enquiries of reason beyond the sphere assigned to it by nature.

In the practical details of virtue, in the next place, the social and benevolent affections hold a rank superior

* A beautiful example of this modest exercise of reason we have in a devout heathen, the great Scipio, who, according to Aulus Gellius, never undertook any important design without deeply reflecting on it in the presence of the Deity, according to the ideas of his religion, and seeking the direction of the divine counsel, in devout meditation, and laying open his mind to the celestial influence.

P. Scipio Africanus nihil cepit priusquam sedisset diutissime in cella Jovis, quasi acciperet inde mentem divinam, et consilia salutaria reipublicæ. Propterea solitus erat ventitare in Capitolium ante diluculum.—*A. Gel. l. 7. c. 1.*

to that of the intellectual powers. Not that virtue consists, according to the opinion of some good men, exclusively in the exercise of universal benevolence. None but the Deity can embrace an object so vast as the whole of human existence, and make it the direct and immediate scope of his actions. But in order most effectually to accomplish this universal design, he has divided it into separate and individual parts, charging each person, in the first place, with the care of his own interests, that in this way the felicity of the whole may be provided for by the individual exertions of all. But when each man has acquitted himself of this primary duty, virtue requires that the principal portion of his active energies should be employed in cultivating the affections which unite him with society, and fulfilling the duties which render it flourishing and happy by mutual co-operation, and by the reciprocal interchange of kind sentiments, and beneficent offices. These are clear, and definite ob-

jects which are distinctly given in the mind, and

do not stand high in the scale of virtues; but the dereliction of them is branded with peculiar reprobation in the catalogue of crimes. Our benevolent affections, and our social duties maintain a much higher grade; and the constant claims which, under one form, or another, are made upon them in society, requires, in order to fulfil them virtuously, a large portion of life.

It would be a mistake, however, to suppose that the benevolent virtues were solely occupied with the great interests of society, or of human nature. They descend to regulate the smallest sources of social enjoyment. Attentions to please, amiable dispositions, polite and elegant manners, and all those talents or graces of mind, or conduct, which contribute to promote the harmony of society, and render men most interesting to one another, enter so deeply into the springs of social pleasure, and possess such an important influence on human happiness, as justly claim for them, though often omitted in moral systems, an elevated rank among the virtues. They especially deserve the attention of youth, who are entering into public life. They correct the asperities of the passions, they soften and sweeten the intercourses of society; and possess a most amiable reflex influence on the temper and character of those who study to cultivate them.

Finally, the highest, and noblest principles of our nature, which ought, therefore, to be cultivated with the greatest assiduity, and the most reverential respect, are its moral sentiments, embracing justice to mankind, and piety to God. These sentiments are accompanied with such a perception of dignity and authority in their own nature, and such a sense of duty and obligation on our part, as proves them to be of the highest order in the human constitution, and invested with a natural right of control over every other power. A just reverence for *them* is that which is implied in the common maxim that a man should *respect himself*. Not that arrogant claim to respect from others for our follies, and humors, which is often made by men who have no other pretence to virtue except that rash courage which is always ready to defend their vices; but that inward and habitual reverence for the dictates of reason and conscience, of honor, propriety, and truth, which is the surest distinction of a virtuous man.

The action of the whole system is then only regular, and conformable to the original plan and constitution of nature, when every movement is accompanied with an habitual sense of rectitude, and duty, governed by a respectful deference to the judge and witness in our own breast, the representative of that infinite and holy inspection to which we, and all things are subject.

The principle which I have been illustrating, of making original nature, as far as we can now discern it, the proper model of virtue, implies, in the next place, acting according to the relations which human nature sustains to all other sensible beings ; whether to God as our Creator, to mankind as our brethren, or other creatures, as yielded to our use, or placed under our power, and control. These ideas will be more particularly explained when I come to treat of the detail of moral duties in the next lecture.

Having, in these reflections, laid a foundation for understanding the general doctrine of the ancient philosophy, that *virtue consists in acting according to nature*, by pointing out its constituent principles, and by shewing their comparative importance, and their mutual relations to one another in the system, and the necessity of their moving together in harmony and concert according to their just proportions, in every course of action : it may be farther illustrated by considering shortly what indications are contained in human nature of the end for which it is designed. Every system that is wisely constructed, has all its operations so combined and regulated as to concur in the accomplishment of some useful end ; and in proportion as it attains this end with certainty and ease, it is said to be perfect according to the design of the

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maker. Pursuing this analogy, if we ask, what is the end for which man has been formed? As far as human reason can dive into the purposes of nature, it seems to be, to enjoy and communicate happiness as a sensible, rational, social, and moral being. In this way he best promotes the benignant purposes of the Deity, and thereby renders due glory to him; by the practice of good morals, and by becoming the instrument of the divine beneficence to his fellow beings. The sincere aim to fulfil this end is virtue.—Against the design of his Creator, it must be confessed, man often errs: sometimes through ignorance, and mistake; but much oftener through misguided passion. He seldom errs, however, with impunity. He is commonly chastised by the reprehension of his own mind, and the painful consciousness that he has departed from the true order of nature.

Permit me then to conclude with this necessary caution: since names are apt to mislead, and it is difficult to free the mind from the influence of habitual associations among its ideas, we ought to beware of imagining that the philosophical language of *acting according to nature*, ever implies yielding to the impulse of any single passion or tendency which may happen to be strongest at the time. On the contrary, it implies the regular movement of the entire system in the just relations and proportions of all its parts, as it appears from reason to have been

originally designed by the Creator ; although left to man as a free, rational, and moral agent, to carry into full execution, for a continual exercise of his wisdom, and his virtue.

OF THE EXCELLENCE OF VIRTUE.

In the next question which occurs on this subject,—what is the excellence of virtue ? We enquire wherein its merit consists ? What is the true ground of our approbation, or esteem of it ? Why is it preferable to any other course of action ?

The same diversity of opinion has existed on this as on the last question. Some writers maintain that its excellence lies simply in its conformity to the divine will ; or that the single reason why it deserves our esteem, and is to be preferred to vice, is because God has prescribed it.—This opinion seems to give to virtue too arbitrary a complexion, and too mutable a nature ; and, apparently, implies, in the mode of expression, contrary, I presume, to the true intent of its authors, that our preference might have been equally required for some form of vice, if such had been the sovereign order of the Creator. On the contrary, virtue seems to possess as necessary an excellence as the Deity himself. In him goodness, justice, and truth, which are the source, and, as far as the human nature can resemble the divine, the pattern of virtue in

man, are equally unchangeable and eternal with his intelligence, wisdom, and power.

Reflections of this kind have laid the foundation of a second opinion, that the excellence of virtue is to be sought solely in *the reason and nature of things*: which is only another way of saying that its excellence is *intrinsic*, in *the nature of the thing*, and like the perfection of the Deity, is eternal and immutable.

The third opinion is, that its excellence consists in its tendency to promote general happiness.—And the last, that it is excellent, or is so to be esteemed by each man, merely from its relation to his own happiness.

On this subject we may, perhaps, justly pronounce, that there is in virtue, that is, in moral rectitude and goodness, an intrinsic and necessary excellence, as was shewn in our reflections on the moral faculty. It is not dependent upon *mere will*, even the will of the Deity; but rests upon the same immutable foundation with our ideas of the divine perfection. We can have no other just conception of God himself but of infinite, eternal, immutable goodness, rectitude, and truth, united with wisdom and power. And virtue in human nature is, in its degree, a transfusion of these perfections. Its excellence, therefore, consists in the essential nature of the thing itself. And that is founded in the eternal, necessary and im-

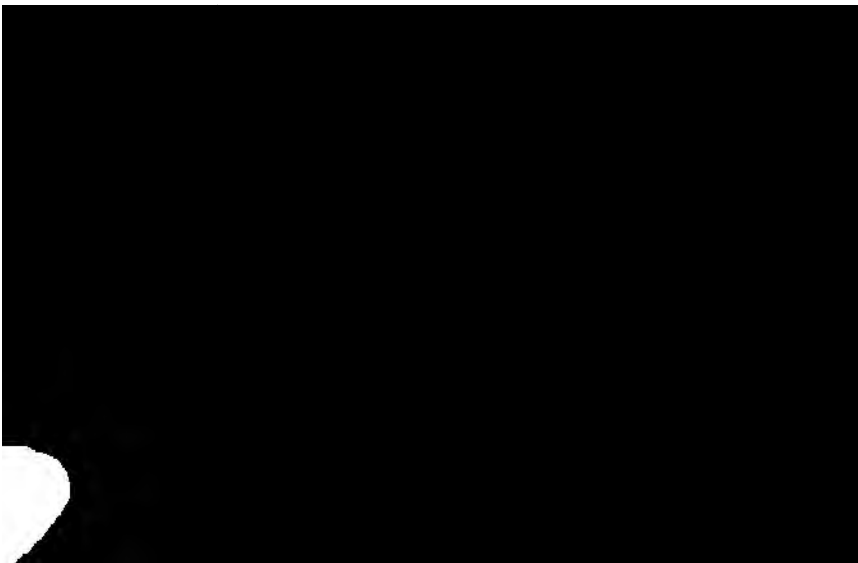
mutable perfection of God. But although I reject the abstract principle, that the excellence of virtue consists in its conformity to the will of the Creator, or that his will alone *constitutes* its excellence; yet, wherever his will is clearly indicated, whether in the structure of the universe, and the order of providence, or in the constitution of our own nature, and the relations which he has established between us and other beings, it must, from his infinite wisdom and goodness, be the surest rule of duty to us.

In support of the principle that virtue, both as to its nature and its excellence, depends wholly upon the will of God, it is demanded if he might not have formed us with other faculties, and established between us and other beings different relations from those which subsist at present? And whether, in that case, the nature of virtue must not have suffered a proportional change?—I reply, that the external acts by which those varied relations must have been expressed, would necessarily be changed; but its essence and principle, which consists in equity, and benevolence to mankind, in piety to God, and regard to the happiness of all being, must have remained unaltered. Will and power, therefore, can only alter the modifications of virtue, but do not change its nature.

OF THE SANCTION OF VIRTUE.

The third question arising on this subject; What is the sanction of virtue? implies, that it contains a law, or rule of conduct, and we ask by what authority it is enjoined? and by what rewards and penalties it is enforced? For the *sanction* of a law signifies the good which, by the constitution of the lawgiver, is made to follow obedience as its reward, and the suffering which he has annexed to disobedience as its penalty.

The authority by which this law is enjoined we find in our own breasts, and in the will of God. In the dictates of conscience we perceive an authority that is fitted to command, as well as a power that is able to punish.—The authority of conscience, however, is evidently subordinate, and points to the higher control that is placed in the will of God, to which it continually refers us.—The moral law, as I have said, possesses an intrinsic and immutable excellence on account of which it justly claims our sub-



divided into those of *duty*, and *interest*. And under these heads, with a little latitude of expression, they might all, perhaps, without difficulty be arranged. A more obvious and comprehensive division, however, I shall take the liberty to adopt from my immediate predecessor, the late Dr Witherspoon, who classed them under the heads of *conscience*, of *religion*, and of *general interest*; with a very summary explanation of which I shall present you.

The sanction of conscience consists in the internal satisfaction, and self-approbation which good men perceive in upright conduct, and in the compunction, remorse, and fear which usually follow criminal actions.—The sanctions of religion consist in the natural hope of the favor of God which accompanies virtue, and the apprehensions of his displeasure which often mingle themselves with vice and disturb its tranquility. But the sanctions of religion reach beyond the present life. And, although, in a work like this, we are not permitted to avail ourselves of the lights of revelation, yet the belief of a future judgment, and our natural anticipations of some righteous retribution to virtue and to vice, seem to announce the existence of a law in the human breast, which is found in all nations, which carries forward the hopes and fears of mankind to an after-state of existence. And, often, its influence upon their actions, is not the less pow-

erful, because its ideas are obscure ; and, to the vicious, especially, it presents only an unknown terror.

The question has been seriously agitated whether reason and nature direct mankind to look forward to a *corrective* and therefore only temporary suffering for vice in a future state, or to a *vindictive* justice, which will consequently be eternal.—The former opinion was embraced by the disciples of Pythagoras, who brought his doctrine from India.—The latter, especially with regard to certain grades of crime, seems to have been the more general sentiment of mankind throughout the world, pagans, as well as christians. They have been probably led to the idea of eternal sufferings from the strong compunctions of guilt which impart strong and fearful apprehensions of punishment, but suggest no definite period to it. The idea, doubtless, was strengthened by observing that many crimes draw after them, even in the present world, irreparable evils. No repentance can efface the stain which

which usually accompanies virtuous dispositions, and conduct—the unhappiness which naturally follows vicious pursuits, and dishonest aims.

There are, doubtless, many examples of virtue which has deeply suffered by misfortune. Misrepresentation may take from merit the esteem of the world; an adherence to truth may sometimes overwhelm an honest man through the artifices of a powerful rival. On the other hand, momentary advantages may now and then seem to be gained by a departure from moral principle. But it may be laid down as a sure and general maxim that a prudent and steady course of virtue is calculated, by a natural influence, to produce inward peace and tranquility of mind, and to lead to public respect. The occasional advantages derived from vice are more apparent than real; and seldom are they durable. When a man is once known to act from corrupt principles, they generally defeat his aims; or, if he succeeds, he loses in reputation and peace of mind, more than he acquires in wealth and power. Besides, great affluence, or extent of power, although they may often be productive of many conveniences, are not necessarily connected with happiness. True happiness, on the other hand, most certainly arises from the inward peace and self-approbation of conscious rectitude and virtue;—from moderate, constant, and

useful employment; and from the regular and virtuous exercise of all the powers and faculties of our nature, and especially of the social and benevolent affections of the heart.

Having treated of the nature, and excellence of virtue and the sanctions which the Deity has annexed to its law, particularly in the tranquility and happiness which it is fitted to impart to the virtuous mind, this seems to be the proper place to introduce to your notice the famous question which was so earnestly discussed in the ancient schools;—What is the chief good?—Having feeble and obscure conceptions of the felicity arising from the genuine affections of religion, and the clear and certain hopes of immortality, as they are understood by a christian, the great enquiry of their philosophers was, in what manner existence, with the present powers, tendencies, and prospects of human nature, might be best enjoyed? And, on this subject, after the doctrines of the pythagorean school, which entertained many pure and

ments, the gratifications of our natural appetites, and our external senses, form not only the chief, but the sole happiness of man; and that what are called the intellectual pleasures are only the recollections of these, which then become somewhat more refined through the influence of the imagination. Epicurus himself was a man of moderate desires, and, consequently, maintained that moderation in every indulgence is necessary to true enjoyment.—His followers, however, availing themselves of the literal and obvious interpretation of his general principle, abused his doctrine to the grossest sensuality. And their opinions being so much accommodated to the inclinations of the greater portion of mankind, they became, in time, the most numerous sect of antiquity. For the same reason, this philosophy will always practically flourish among a luxurious people, and in a declining and corrupted state of public manners, in every nation.

The Stoics, who borrowed their denomination from the portico in which their discussions were held, maintained that true happiness lies only in the mind, and is not affected by external circumstances. They endeavored to extinguish all the finest sensibilities of human nature, from the supposition that they serve only to effeminate the soul. It was their leading maxim that there is nothing good but virtue, and nothing evil but vice.

Consequently their wise man had no wants. He possessed in his own mind, and in the acquirements of philosophy, all that is great and good in human nature. Their virtue, however, was proud, and too independent. It excluded, almost entirely, the gentle sympathies, and benevolent affections of the heart. Their philosophy was more fitted to generate heroes than to form amiable and useful men.

The Peripatetics, who received this denomination from their constant practice of walking while they communicated and received instruction, pursued a middle path between these extremes; and one, I believe, more conformed to nature and reason than either. They did not despise the moderate gratifications of sense; they cultivated the liberal pleasures of imagination and taste; they were not indifferent to the advantages of fortune, provided they were acquired with fairness and honesty. But they held virtue to be the *chief good*. And their



but to derive from it, its highest enjoyments.—Over all presides the moral faculty both to direct their exercises, and to assist their enjoyments; being at the same time, itself the source of the purest and sublimest pleasures.—So that, according to this theory, taking virtue as a general rule of action, and judging from its general effects on individuals, communities, and nations, if it cannot be pronounced the only good, it is manifestly the *chiefgood*. It is the common interest of the world.

Such are the grounds on which I have made *general interest* a sanction of the moral law. I confess that the depravity of human nature, and the imperfection of human virtue in the best of men in this world, would render this sanction too feeble if it were not aided by that of religion. But religion, conscience, and general interest, taken together, form one that will necessarily possess great force on every serious and reflecting mind.

LECTURE XVIII.

OUR DUTIES CLASSED UNDER THEIR GENERAL HEADS.

CONTENTS.

The ancients having no system of public and popular moral instruction, theology, and morals, were necessarily taught in the schools of their philosophers.—The details on these subjects were therefore more ample than are usually found in the modern systems of philosophy—Morality divided in different ways,—first according to the principles from which it springs—and secondly according to the objects on which it terminates.

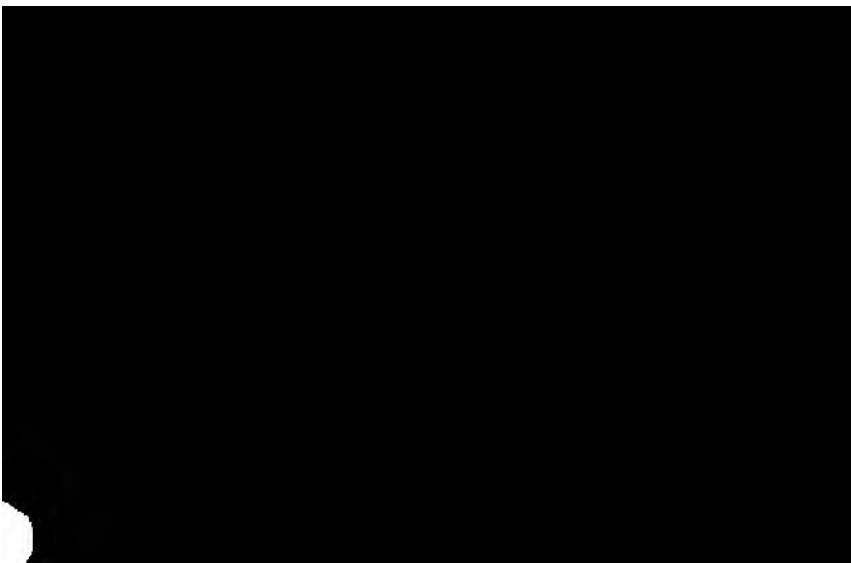
—The former, the division of the ancients, who arranged the virtues under the heads of justice, prudence, temperance, and fortitude—The analysis of these—The latter division more commonly used by the

AMONG the ancient philosophers the principal portion of their moral systems was occupied in theological discussions, and in the detail of duties resulting from the various relations of man, domestic, social or civil. The national religion, consisting chiefly in a multifarious ceremonial, and little in doctrine, or moral precepts, had established no means of public and general instruction for the people in the principles of piety, or morals, such as christian nations enjoy in their churches. The system of duty was taught only in their schools. Its details, therefore, were necessarily explained with great minuteness, and extent in the discourses of their philosophers.* But among christians the practical duties of life, as they respect either religion, or society, are so constantly inculcated from the pulpit, and are so perfectly understood by all classes of the people, that this part of our philosophical course is, in consequence, greatly abridged. All that I shall aim at, therefore, will be to reduce our duties under general classes, so as to present a clear and systematic view of them; and to exhibit their general principles, so that the grounds and reasons of each duty may be better understood; and our ideas concerning it may, in some dubious cases, be rendered more precise and determinate.

* Of which we have admirable examples in the treatises of M. T. Cicero, *de officiis, et de natura deorum*.

The duties of morality may be divided in different ways, either according to the principles from which they spring, and which govern their exercise, or according to the objects on which they terminate. The former principle of division was generally adopted by the ancient philosophers, who classed them under the heads of justice, prudence, temperance, and fortitude. The latter is more commonly employed by christian writers, who arrange them under the heads of the duties which we owe to God, to our fellow-men, and to ourselves.—I shall place before you a very brief view of each of these systems.

Justice, according to the interpretation of that term by the ancients, was used in a much more comprehensive signification than it is by modern writers ; and was made to embrace the duties of benevolence, as well as those of strict equity. Their rule of justice, although nowhere so clearly and concisely expressed in their writings, as in



we could reasonably desire from them. In their moral commentaries, likewise, the parental and filial duties, piety, friendship, gratitude, candor, liberality, charity, and even civility, and politeness, were all comprehended under the head of justice. And to the same comprehensive class were referred all our public duties as citizens, or as magistrates, as well as our social and domestic.

It is a principle generally received, that the duties of justice, may be made the objects of positive institution, and of penal laws. Those of innocence and equity may certainly be required by compulsory authority, and their violation punished by the power of the magistrate. But as those of beneficence, if they are to be included under the head of justice, cannot be designated by such definite limits, it would not be safe to entrust their regulation or their punishment to any human tribunals. They can properly be enjoined, therefore, only under the sanctions of conscience and religion.

Prudence may be defined to be the pursuit of objects according to their worth, and the application of the fittest means to arrive at their possession.—It calls into action the talents of judgment, and discretion, in forming a just estimate of the value of different objects which solicit our attention, a sound consideration of the natural connection of causes and effects, with a quick perception of

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occasion and opportunity, and a steady firmness of mind in seizing and applying them to their proper ends. Prudence has been pronounced by many writers to be rather a natural talent than a moral quality. And certainly, some men, by their constitutional organization, possess more than others that calm judgment and discretion which is necessary to their framing wisely the plans of conduct, and that foresight, firmness, and decision which are requisite to carrying them successfully into execution. But it is, like most other useful qualities, capable of being greatly improved by habitual reflection, and a vigilant self-command. And it is so intimately connected with morals, and so necessary to the successful issue of every important design, that true virtue will ever aim assiduously to cultivate it. A man who is deficient in this talent can seldom act to any great or useful purpose. He may often defeat the best intentions, and derange the most wholesome plans; and can rarely acquire, and never

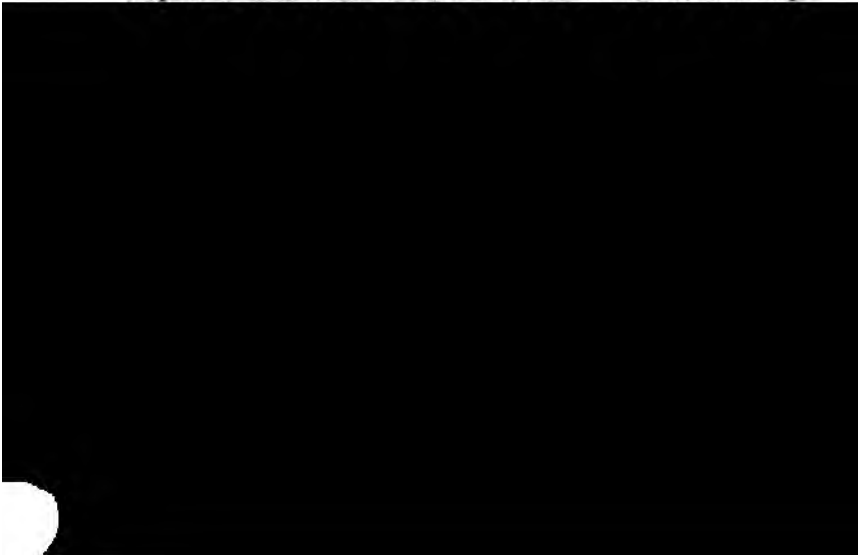


imprudence is a vice, is the merit of cultivating the opposite virtue.

Imprudent men we see prone to impute the disastrous consequences of their own neglect, precipitancy, or mismanagement to the arrangements of divine providence; and, with a mistaken piety, profess to trust in providence to relieve them from the effects of their own indiscretions. —This arises from a most erroneous conception of the universal government of the Supreme Being, as if it were a vacillating, and mutable disposition of events, liable to be disarranged according to the exigencies and desires of men. Divine providence, on the contrary, proceeds on fixed and invariable laws, of which prudence may avail itself, as far as they are known, for its own interest; but which never change with a weak indulgence in compassion to the errors of human folly. Men sometimes mistake the regular order of events, where the concatenation of their causes is, through ignorance, or inattention, not observed, for immediate and extraordinary interpositions of Heaven. Such fancies do no honor either to religion or philosophy.

The general virtue of prudence may be regarded as including the following considerations:—In the first place, a decent respect in our conduct, and the declaration of our opinions, to the known sentiments and feelings

of others; which may conciliate friendship, and mutual civility, that direct collision, even on trivial subjects, tends very much to destroy.—In the next place, a scrupulous attention, in our manners, and in the temper which we manifest in our social intercourse, to what our period of life, and station in society requires or permits. There is a wide difference between the decencies and proprieties which are becoming in age or in elevated rank, and those which are demanded of youth or of dependence.—A no less important consideration, in the analysis of this virtue, is a judicious regard to economy in the expenditures of living, according to the certain means which we enjoy. If this is requisite to the fulfilment of the duties of justice and benevolence, it is equally necessary to the freedom and independence of mind which every virtuous citizen should study to preserve.—To complete that character of prudence which is requisite to ensure success to the general designs, and especially the important enterprizes of life, we should combine, in the character,

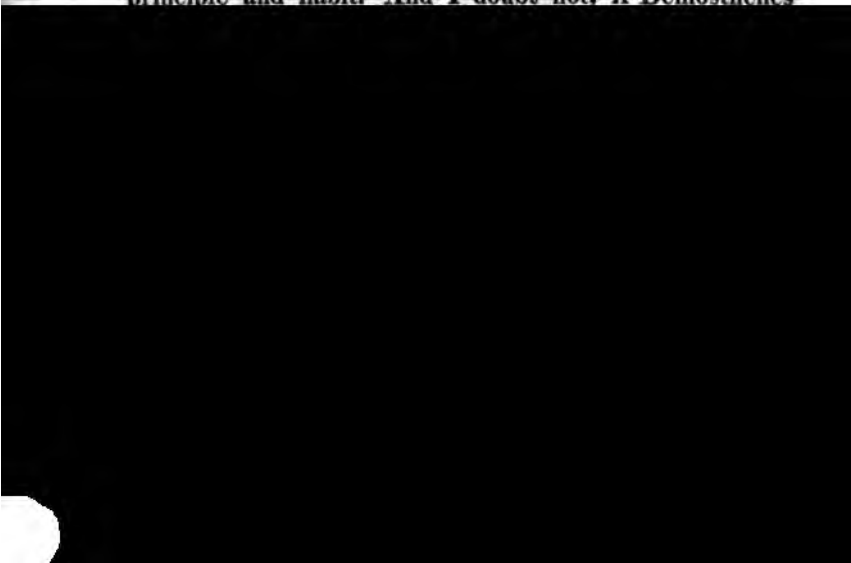


occasion at the proper moment to ensure success, when indecision would be loss of opportunity. And by the latter, that calm and deliberate judgment which foresees and provides against all difficulties; which weighs well the characters of those with, or against whom we act; and balances the magnitude and importance of every undertaking with our own talents.

In this division of the virtues, in the next place, temperance implies, not merely abstinence in the use of meats and drinks, but moderation in all animal enjoyments. In the idea of temperance, likewise was included, according to the habits of thinking among the ancients, that constant and useful employment, and that degree of active and strenuous exercise, which are necessary to promote the health and vigor of the body, and to subdue its passions and appetites into a just subserviency to reason.

In the same system, in the last place, fortitude comprises the virtues of patience, intrepidity, and constancy. By patience we mean firmness in enduring suffering,—by intrepidity, courage and resolution in encountering danger,—and by constancy, that strength of mind which enables a virtuous man to persevere, in opposition to difficulties, or temptations, in a course which he has once chosen with wisdom.

Fortitude has, like prudence, been regarded by many writers as a natural rather than a moral quality; and depending chiefly on a certain constitution of nerves. Nature has, undoubtedly, given to some men a greater constitutional firmness of mind, and hardiness of enterprise, than to others; but a composed courage in the midst of dangers, and an unshaken constancy in the midst of sufferings, are qualities which may be acquired by a virtuous energy of soul. And much of the dignity and usefulness of life depends upon their cultivation. Native timidity may be overcome, by proper culture, especially if united with the experience of suffering and danger, which ought always, perhaps, to enter into the plan of a wise and virtuous education. The weakest natures have been enabled, by the power of religion, to endure with firmness the greatest evils; and intrepidity and courage may be acquired, of which we have many examples in the school of the Stoics, by the force of principle and habit. And I doubt not, if Demosthenes



braced all the practical duties of life, with all the speculative questions which philosophers have raised on the theory of virtue.

I am next to consider the more modern division of duty, as its objects are different; God, our fellow men, and ourselves.

OF OUR DUTIES TO GOD.

Our duties to God may be divided into the external, and the internal; or into those that are general, and those that are particular.—Our general duties embrace the whole compass of piety and virtue; because, as they constitute the moral law of the universe prescribed by God, conformity to their dictates is justly regarded as obedience to him. The particular duties terminate immediately on God as their object, and include both the devout affections of the heart, and the external expressions of those affections. The internal affections which are due to God, and from which, as from their natural source, flow all the streams of pious obedience in the life, are love, reverence, and resignation. Love is the active spring of universal obedience. To be sincere it ought to be supreme; and is most perfectly expressed in the injunction of the sacred scriptures; *thou shalt love the Lord thy God with all thy heart, with all thy soul, with all thy strength, and with all thy mind.* This affec-

tion respects all the attributes of the Deity, but chiefly his moral perfections, and especially that infinite goodness on which we, and all things do constantly depend.

Reverence, the next of our internal duties, is less an active than a restraining principle. It is calculated to impose a salutary check on the passions of mankind, surrounded and stimulated as they constantly are by powerful temptations to vice. This affection has respect chiefly to the infinite greatness, wisdom, power, and holiness of God. It is a principle essential to the existence of piety and virtue in creatures so imperfect, and prone to evil as mankind. From the profound degree in which it prevails in a pious mind, it is often denominated, in the sacred scriptures, the fear of God. This is a virtue which was held in peculiar honor in the early ages of the Roman commonwealth. And we learn from their most distinguished writers, that they regarded

the fear of the Gods, and reverence for the sacred offices of

entire confidence in the wisdom, justice, and goodness of the Infinite Mind, and a deep conviction of the narrowness of our own understanding, and the imperfection of our own views as to what is good or ill for us. Resignation, resting on these principles, begets not only a grateful acknowledgment of the manifold blessings of divine providence, but a submissive acquiescence in the will of Heaven under its most afflictive dispensations; believing that, although we may not be able to discern their ultimate relations to any beneficent end, either to ourselves, or others, yet are they all reasonable and just, and good; and necessarily springing out of the all-wise arrangements of the universal system under the government of God.—This disposition of mind is equally opposed to all discontent and repining at the course of providence, and to all vain reliance upon its aids while we are negligent of our own duties; it tends to produce that placid serenity of soul so becoming the character of resigned piety, and to awaken the active and prudent exertions which virtue requires of every good man, in dependence on God, to improve the felicity of his condition, and his honorable standing in life.

Our external duties comprize every decent outward expression of the inward and pious sentiments of the heart. They are all comprehended under the general

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name of divine worship, for which, however, natural reason has not prescribed any precise and definite form. Different nations, and different sects of religion, have each adopted a peculiar ceremonial for itself. No sanctity ought to be ascribed to rites exclusively of the affections which they are designed to assist; or any farther than they are proper expressions of the devout dispositions of the soul. But all rites deserve to be regarded with respect which custom has sanctified among any people, and has so associated with their religious ideas as to be to them the most serious and affecting expression of their devotional exercises. In considering the general question of the utility of rites and forms in religion, and how they may be applied in the most effectual manner to answer the design of impressing the heart in divine worship, and aiding its pious emotions, reason will decide that the ceremonial ought to be neither too simple, nor too multifarious, or splendid. The mass of mankind are so much



The essential parts of a rational worship, in whatever ceremonies it is clothed, are adoration, thanksgiving, confession, and prayer. Adoration relates to the infinite perfections of the Deity for which we ought, in devotion, to feel and express the highest veneration. Thanksgiving is employed in expressing our grateful acknowledgment of those mercies which we continually receive from him. Confession respects our manifold offences, and omissions of duty. And, finally, prayer regards those mercies of which we have need, and which we ought humbly and submissively to ask of him, either for ourselves, or for others.

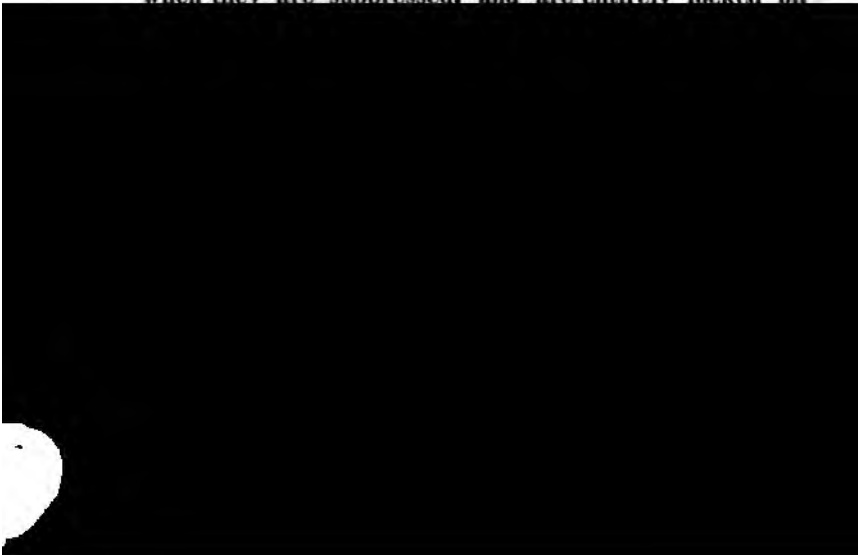
These duties, being continually explained and inculcated in the public institutions of religion, are so generally understood as not to require any further illustration in this place. Two objections, however, have been so plausibly urged against the duty of divine worship in general, as it has been just stated, that they ought not, perhaps, to pass without a particular answer.

It is said, in the first place, to convey an unworthy idea of the Deity to suppose that he derives pleasure from hearing his perfections repeated, or his praises extolled by mortals, in acts of adoration, as if, by such adulatory addresses, his displeasure could be soothed, or his mercy bribed.—It is equally unworthy the divine majesty, it is

alleged, to believe that humiliating confessions from such imperfect beings can be acceptable to him who already knows and pities all their errors; or that he can require of them formal acknowledgments for acts of beneficence which it is agreeable to his nature to bestow, and for which no acknowledgments can make any requital.

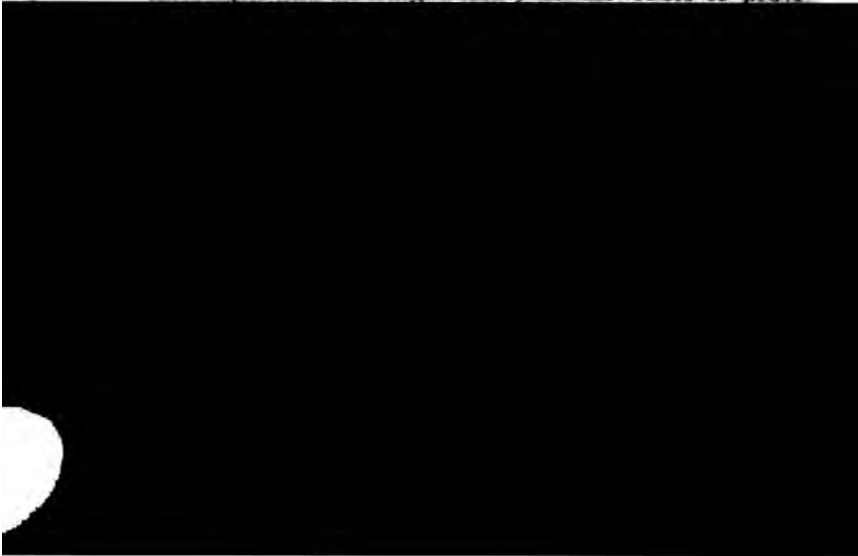
To these unfair observations it may justly be replied, that it is an essential law of our nature that all high sentiments, or strong affections, necessarily seek for some means by which to express themselves. If, therefore, we feel as virtuous and pious men ought to feel towards the author of our being, to check this dutiful expression of our emotions would be to stifle the most reasonable impulses of the heart; and not to feel them would be the proof of a cold and corrupted soul.

I add, that the most natural and laudable affections, when they are suppressed, and are entirely locked up



soundest reason, and most conformable to the laws of our moral nature. It cannot, by any person who thinks wisely of the divine nature, be supposed to be enjoined by the infinite mind for any gratification which he receives from the praises, or prostrations of a being so feeble and imperfect as man. It can arise only from that infinite wisdom and benevolence which requires our worship for its own essential rectitude, and for its own beneficial influence in cultivating in the human heart the affections and habits of virtue and piety for which it is so admirably fitted. For adoration of the divine perfections, while it impresses the pious mind with an awful reverence of the Deity, tends to elevate the tone of its moral feelings, and to assimilate them to the purity of the object of its worship.—The grateful recollection of the divine mercies in the immediate presence of God, serves to confirm the affectionate purposes of duty and obedience to him.—On the contrary, the penitent confession of sin helps strongly to arm the soul against its own weakness, and its unholy passions. And finally, the supplications which we address to the Father of mercies for the blessings which we need, either for the present life, or in the hope of a better existence, remind us continually of our dependence on him for all things, and awaken, by that remembrance, the profoundest sentiments of piety.

The second objection, which, perhaps, is more plausible, and seems supported on stronger metaphysical ground, is directed against the efficacy, and, consequently, the utility of prayer, employed as a mean of obtaining the divine favor either in our public, or private devotions.—The order of the universe, it is argued, and the eternal train of causes and effects have, from the beginning, been fixed by infinite wisdom. And the laws of wisdom are as unchangeable as those which have been ascribed to necessity, or fate.—Why then, it is demanded, should we pray? If pre-established causes naturally co-operate to the production of the event, it must take place independently of our prayers. If otherwise, we pray in vain. The breath of mortals cannot change the eternal order of things.—This is the objection placed in its strongest point of light.—To obviate it, let it be observed, that prayer can have only two ends in view; to cultivate the moral qualities of the heart, and thereby obtain those spiritual blessings which, in the order of provi-



ty of intellect to matter, and of the moral to the natural order of things, there is the highest probability that the physical has been created wholly in subserviency to the moral world. If this principle be admitted, will it not result as a natural consequence, that the Creator may have so adjusted the one to the other, that, foreseeing the sincere and reasonable desires of good men who are his children, the order of causes, and the train of events shall, at the proper time, and in the way most agreeable to his infinite wisdom, correspond with their prayers?

This may be regarded as a hypothetical answer to the objection. There are innumerable occasions, however, on which the answer may be drawn from the plain and obvious course of nature. How often do the events of the world manifestly depend upon moral springs? How often do we see the fortunes of individuals greatly influenced by their moral character? And the universal voice of history has almost raised it into a maxim, that the prosperity of nations is intimately linked with their virtue, and their decline as certainly associated with the corruption and disorder of the public manners. When, therefore, we reflect how much public, and individual manners are affected by the healthful state of religion, and how much this is connected with the purity of the public worship, and the sincerity of private devotion, we can hardly avoid the conclusion that, on many events,

prayers offered up to God in sincerity, with fervency, and perseverance, have an influence not less powerful, and, often, much more successful, than any other second cause. So that, whether we regard the wise, and eternal arrangements of providence, or the known and fixed order of natural and moral events, the result still recurs, that prayer, far from being an unreasonable, and hopeless service, not only has a natural and important influence on human events, but may have, as revelation assures us it has, a positive and divine efficacy. And, indeed, can any institution be more just and equitable in itself, than that God should make the bestowment of the blessings which we ask in prayer, to depend upon the existence and growth of those pious dispositions which are best cultivated in these devotional exercises?

OF OUR DUTIES TO OUR FELLOW-MEN.

Our duties to our fellow-men include a greater com-



wholly unnecessary, in this place, to go into an extensive detail of our social offices. It will be sufficient to suggest a few subdivisions under which they may all be systematically classed.

The first and most general of these divisions may be into the duties which are negative; consisting merely in abstaining from injury, or from ever inflicting unnecessary pain,—and such as are positive, being employed only in doing actual good.—Many other classes of practical duty might admit of a similar division; but this, on account of the many and strong passions in human nature that so often impel men to mutual injury, seems particularly to require it.

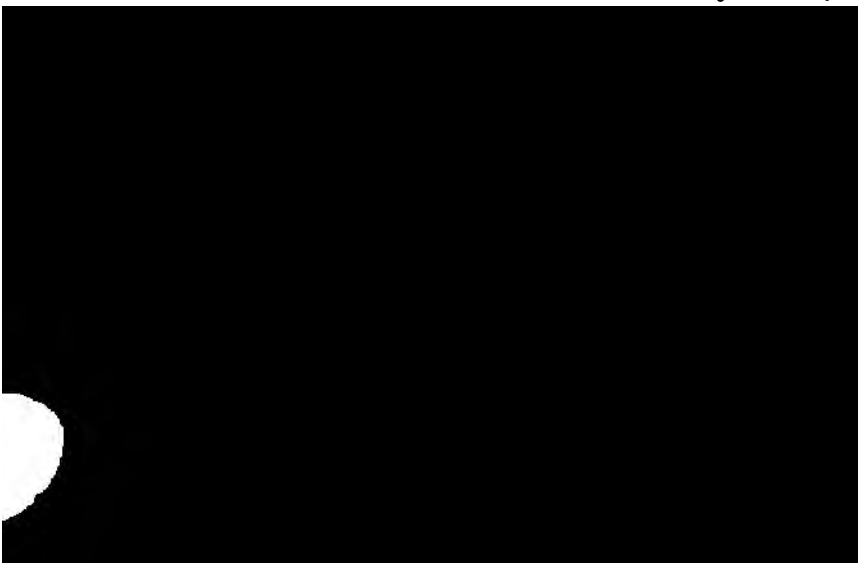
The positive duties of this class may all be ranked under the heads of justice, and beneficence. But, though so simple in their principles, they are almost infinitely diversified in their details, according to the relations which we sustain to our country—to our family—to our vicinity—to our friends—to the objects of our charity—to those who are invested with authority over us—or who are subjected to our control—or, finally, according to our philanthropic relations to mankind.—On these duties volumes have been written; libraries have been filled; and still they are subjects which constantly demand our

attention, and on which we can never cease to be active, and to learn.

OF OUR DUTIES TO OURSELVES.

The duties which we owe to ourselves are as real, and, in many respects, as important as those of any other class. On these, as on the last, I shall content myself with simply enumerating the subdivisions under which all the particular details may be embraced. They relate to self-preservation—to self-enjoyment—to self-interest—and to the general cultivation and improvement of our nature.

Self-preservation includes the care of health, of liberty, and life. He is culpable who neglects his health, which ought to be diligently preserved only for the useful and virtuous purposes of living.—He is, perhaps, more culpable who barter his liberty for any pretended convenience, or compensation, or who does not strenuously defend,



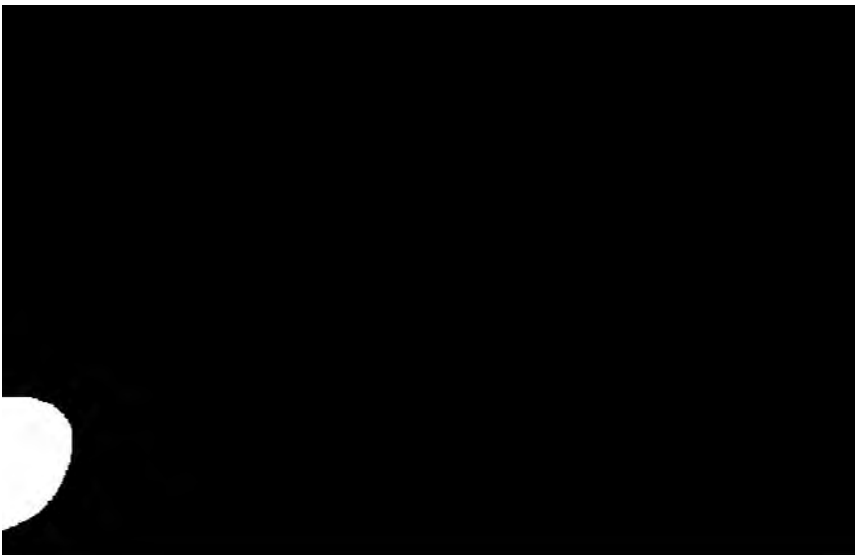
A rational self-enjoyment, in the next place, every good man is not only permitted but required to cultivate, in order that he may be rendered more grateful to his Creator, by moderately, and prudently using the blessings of divine providence. This is evidently conformable to the design of the Deity in our creation, and harmonizes with the apparent structure, and order of our nature. But in using this flattering privilege, peculiar caution is requisite, lest the force of self-love should urge indulgence beyond that restricted and frugal boundary at which prudence, and virtue should arrest it.

Self-interest, the cultivation of which belongs to this class of duties, relates to necessary provision, and comfortable accommodation, which no good man, under any pretended idea of benevolence or public spirit, ought to neglect; and, in a more extended view, it relates to the favor of God, and to eternal felicity in a future world, which should be the first concern to every truly wise man in the present.

The general cultivation and improvement of our nature, which I enumerated last among the duties which we owe to ourselves, has for its objects, as I have mentioned in the preceding lecture, our bodily powers, the faculties of the mind, and the affections of the heart. The most important trust which our Almighty Creator

has committed to man as a moral and accountable being, is himself. And the first obligation which such a gift imposes upon him is to carry it to the ultimate perfection of which it is susceptible.

Such is a very brief analysis of the general system of our duties, but sufficient, perhaps, to present to a studious and reflecting mind a key to its minute, and particular details.



LECTURE XIX.

OF ECONOMICS.

FIRST OF MARRIAGE, OF DIVORCE, OF ILLEGITIMATE CON-
NEXIONS.

CONTENTS.

Of marriage.—If polygamy be prohibited by the law of nature?—Its existence before the christian era not inconsistent with good morals.—The monogamic institution most favorable to human nature, and obligatory on us by the positive institution of Christ, and by the wholesome laws of our country.—Anciently marriage regarded as a subject entirely of civil and political regulation—This principle not unfavorable to the strictest rules of chastity and good morals.—Of divorce —Of the command of our Saviour respecting repudiation.—The perpetuity of the marriage contract favorable to morals and happiness—Of the legitimate causes of divorce.—They ought always to be made as much as possible to favor the weaker sex.—Of infidelity to marriage vows.—Of obstinate desertion.—Of intoxication.—Of cruel treatment.—Of contrariety of temper.—Of incurable diseases.—Of mutual consent.—Of the illegal commerce of the sexes.—Its pernicious influence on

society.—Its criminality, and the cruelty of its consequences.

FAMILIES being the elementary portions of civil society, the doctrine of œconomics naturally precedes that of politics. The domestic relations, which are the subjects of disquisition in this branch of the science, are those of husband and wife, of parent and child, of master and servant. The reciprocal obligations and duties which arise out of these relations are already so well understood that they require but little elucidation from the philosophical chair. On these, as on many other practical subjects in morals, the instructions of the church have, in a great measure, superseded the necessity of those of the school. I shall, therefore, confine my enquiries, or observations, concerning them chiefly to a few speculative questions which are either more doubtful in themselves, or have been rendered so by the prejudices under which they have been viewed.

Marriage is the union of the sexes under the sanction of known, and public laws. Its ends are, to promote the happiness of man, and to provide for the state a succession of useful, virtuous, and well-educated citizens. These ends would be entirely defeated by a promiscuous and uncertain commerce, which would have the most baneful influence on social order, and on the public morals. That the Creator intended the most tender and intimate unions to subsist between them, is evident from the constitution of our nature, and from the mutual sentiments by which he has attached them to one another. But the dangers with which he has thought proper to guard the chastity of the weaker sex, the helplessness of infancy in the human species, and the necessity of providing, from their earliest years, for the virtuous education of children, require that this union should be placed under the protection, and control of the laws. Otherwise, women would be exposed to the severest sufferings, and the most mortifying degradation; men would be at once licentious, and unjust; and children would be, at first, the most wretched, and afterwards the most vicious of beings.

Marriage, according to the precepts of religion and the civil institutions of the christian world, can take place only between one man, and one woman. But in consequence of the laws of Israel upon this subject, and the customs of patriarchal antiquity, it has become

a question among christian moralists, whether polygamy be contrary to the prescription of the law of nature, or only to the positive institutions of religion, and the state ? Of the law of Christ there can hardly exist any doubt. The question, therefore, relates chiefly to the age anterior to the christian dispensation, and to those nations who do not enjoy the light of the gospel. I confess I cannot perceive, from the opinions, and example of the wisest men of antiquity, that the law of nature has prescribed any definite rule upon the subject, and, therefore, where religion has not taken it out of the hands of the legislator, it is to be regarded chiefly as an affair of civil and political regulation.—Monogamic institutions have been found wherever they have prevailed, to be followed by a more favorable influence, than the polygamic, on the improvement and happiness of society. And this experience affords a practical demonstration of the wisdom of the christian law ; but we should be very cautious in pronouncing those, who did not enjoy the

examples of piety and virtue. In these opinions, likewise, I am supported by the most learned and pious writers of the reformed church, and of the primitive and apostolic age.*

The law of nature is written on the hearts of all men, and it is interpreted by conscience, enlightened by that portion of reason which we share in common with mankind. Its genuine principles are learned by collecting those moral sentiments in which all nations have concurred. By this law chastity is enjoined; but no precise rule is prescribed with regard to marriage. It is left to the regulation of society, and the public law.†

* Vide St. Ambrose speaking *of the marriage of the holy patriarchs*.—St. Aug. *contra Faust.* lib. 2. c. 47.—Luther, Melancthon, Bucer, consultation signed by them and others, on the application of the Landgrave of Hesse in 1539.—Dodridge's lectures 189.—Saurin, *discourse sur la bible*. Tom. 1. disc. 19. p. 296. Ed. Amstel. 1720.

† Some writers have very foolishly objected, that, if this were the dictate of natural reason, then might the civil law permit a man to connect himself with as many women as a vicious appetite should solicit. As well might any other vice, or folly be imputed to this source. It is supposing that legislators may be destitute of all wisdom and virtue. It is supposing that they have no concern for the interest, and happiness of their wives, sisters, or daughters. It is forgetting that each wife must have her family, and her separate maintenance. It is

It is objected to polygamy that it is unfavorable to the energies of the human mind, and the vigor and perfection of the human body;—that it tends to strengthen licentious inclinations and habits;—that it destroys the

imagining a consequence which never has happened, and never can happen in civilized society.

Moses, in some parts, at least, of his matrimonial code, appears to have proceeded on this idea, that it is a subject of civil and political regulation. Therefore we perceive several injunctions and inhibitions evidently founded on his peculiar political institutions.—In one circumstance, for example, a man is forbidden to marry the widow of his deceased brother. In another circumstance, he is commanded to marry her, under the penalty of forfeiting his legal right to the landed estate of his brother, which should devolve to the next nearest male relation of the family, who should fulfil the condition of the entail. These apparently contradictory regulations sprung out of the agrarian system established by Moses in the land of Israel. He divided the whole territory into six hundred thousand portions according to the number of the families which entered into it under the conduct of Joshua. And he ordained that these portions should descend by entail, or perpetual succes-

happiness of the most tender and delicate sex, and nourishes among them the most hateful passions. And on these consequences is built the ulterior conclusion, that polygamy is contrary to the law of nature.

I have no hesitation to admit as a philosopher, and a christian, that the law of one wife, as prescribed by our blessed Saviour, is most favorable to the interests of human nature, and of civil society. But it should be remembered, that, if the eastern nations are, at present, and for a long time have been, inferior in the energies both of body and mind to the people of Europe, this ought not to be ascribed to any single institution, but to the combination of an infinite variety of causes which equally affect all nations in their decline. Once Asia possessed that superiority which Europe now enjoys. And how long is it since Saracens and Turks were an

ness, and, at the same time, to preserve the lineal descent of the inheritance, otherwise, he was obliged to relinquish his title to the next male relation who should fulfil the condition.

These facts may serve to settle the question concerning the lawfulness of marrying two sisters, which has so long agitated christendom. There can be no natural immorality in marrying two sisters in succession, more than two brothers: but Moses, who had not prohibited polygamy, only prohibited the marrying of two sisters at the same time, lest the jealousies of love should divide those whom the affections of nature had so close-

overmatch for the combined powers of Europe? No certain conclusion can be drawn on this subject from such examples.

Equally uncertain is the next consequence imputed to this patriarchal institution,—that it tends to strengthen licentious inclinations and habits. Judging from the interior of the families of the patriarchs, as it is presented to us in the sacred history, nothing can be more unfounded than this reproach. And, if we take our estimate from the general manners of the east, according to the representation of the best informed travellers in Turkey, Persia, and Arabia, the women are distinguished for their modesty and reserve, and the men for the scrupulous circumspection of their deportment towards the whole sex out of the precincts of their own families. And, certainly, there is a wide difference, in the effect produced on the heart, between a vagrant commerce with mistresses, and the fixed connexions and duties of



a family, quenches that lust,* which is only inflamed in the company of a mistress, the mere instrument of vulgar, or voluptuous passion.

But, omitting every other proof, the principle of the natural unlawfulness of the polygamic institution, derives a more plausible support from the equality which is always found to subsist between the numbers of the respective sexes, the males having been found, by the most accurate enumerations, to be nearly in the proportion of thirteen to twelve, to the females, or more exactly, perhaps, of twenty to nineteen. The design of the Author of nature, it is supposed, is evidently indicated by this ratio of the sexes, the small surplus on the side of the males being allowed for the greater wastes occasioned by their more hazardous occupations. But polygamy, in effect, destroys this ratio in the marriageable part of the species.—This is the argument; and it is, certainly, not without the appearance of great force. It may be replied, however, that it is only within a recent period that the fact of this equality has been discovered by the accuracy of modern science—It could not, therefore, even to the

* From this remark, perhaps, might be excepted the unlimited seraglios of their satraps and princes. Yet the voluptuousness of these supposed seats of sensuality cannot surpass that of the greater part of the courts of Europe.

wisest men in the patriarchal age, have formed the basis of any known law of nature.*

From these illustrations it results, that the practice of polygamy, in that age, could not be charged to those venerable men as a crime against good morals. And its immorality since the coming of Christ, the great moral legislator of the universe, rests chiefly upon his positive institution, supported by the law of the land. Before that period, marriage was regarded among all nations as a subject intirely of civil and political regulation. Nor let it be imagined that female honor and safety were, in that case, under an insecure protection; or that the

* A better reason in favor of this patriarchal institution, might, in my opinion, be adduced from the following considerations; that the distinctions of poverty and wealth which necessarily grow up in society in a course of time, destroy, in effect, that equality between the numbers of the sexes, as far as regards the *rights* of marrying, on which the argument in the text is founded. Many men in society must always be too poor

public sense of crimes against chastity was weak. Moses punished that class of crimes with death. And fathers, husbands, brothers, that is, the entire nation, will always be deeply interested in the honor of their wives, their daughters, and their sisters, and be disposed to guard it by the most energetic laws. Do we see, in effect, that the rights of property are less secure, or esteemed less sacred, because they are established exclusively by the civil authority of the state, and take their various modifications from the political views of the legislator? Is not the man who violates them esteemed a thief, a robber, fraudulent, unjust, and an object not less of public indignation, than of public punishment? And are the rights of chastity less sacred in the eyes of legislators, or less capable of effectual protection? The law of Christ, indeed, aims at a sublimer degree of perfection than the patriarchal or Mosaic institutions. And the high authority by which it is enjoined should impose it as an inviolable rule of action on all his disciples; and the experience of its beneficial influence among christian nations is sufficient powerfully to recommend it to all wise and virtuous legislators.

OF THE DURATION OF MARRIAGE, AND OF DIVORCE.

The next important question on this subject relates to the duration of the marriage contract. Although some

nations in the East have admitted of temporary marriages, and the experiment was again tried during the madness of the late revolution in France, yet the evident interests of society, and humanity, require that the union of husband and wife should be permanent during the common life of both. This regulation has been found to impose the most effectual restraint on licentious passions, it is the best security for domestic peace, and for the public order of society, and affords the most powerful motives, and the most favorable opportunities, for the virtuous education of children, in which the undivided efforts of both parents ought to concur.

The laws of marriage ought to be especially calculated to protect the weakness of the female sex, and to save from outrage the delicacy of their attachments. To this end no principle, perhaps, is better adapted than the perpetuity of the marriage contract.

But, under this head, the principal enquiry that has



ity to the vows of marriage. This restriction they profess to derive from a humane and benevolent decision of our Saviour on a captious question proposed to him on this subject, forbidding a man to *put away his wife*, except for this reason alone. But they do not sufficiently reflect that, in this decision, the great legislator of the church is not prescribing an universal law of divorce, but merely correcting an abuse, which had grown up by time, in the exercise of a power which the laws, or customs, of the country had given to Jewish husbands. They had acquired, or usurped, the iniquitous prerogative of dismissing their wives from their families and protection, solely on their own authority, for the most trivial dislikes, or differences of opinion. This excessive and unjustifiable exercise of an undefined power, he meant, with that benevolence which characterises all his laws, to restrain. It is necessary in interpreting this law, to distinguish between the right of *repudiation* claimed by a Jewish husband, depending, as it did, merely on his own authority and caprice, which is here so justly restrained by Christ, and the right of *divorce*, depending on the impartial sentence of the law, which is exercised only through the agency, and by the authority of the public magistrate. To the former the rule of Christ, which is merely a moral prescription to regulate the conduct of individuals in an important case, applies with

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the greatest humanity. The latter is an object of civil jurisprudence, and is to be governed by the constitution of the judicial department, and the principles of the national system of the administration of justice; and it does not appear that our Saviour designs, in this sentence, to prescribe any rule to legislators, and the organs of the civil law; to whom alone belongs the legal right of exercising the power of divorce. We are at liberty, then, to examine all the causes which have at any time been urged by moral writers as sufficient to dissolve a union which virtue, and a just consideration of the public good, always intends in its formation to be perpetual.

But, in this enquiry, it should be laid down as a sound moral and political principle, that divorces ought never to be permitted but in cases of evident and great necessity. Few things contribute more to promote domestic harmony, and to secure justice and kindness to the imbecility of the sex, than the obstacles which the law

The condition of perpetuity, besides its beneficial influence on the public morals, is a guard which reason and humanity demand for the security of the weaker sex. If the contract were transient, and uncertain, they would commit their happiness in the most essential points too often to the capricious will of men fickle in their attachments, and rendered cruel by some new passion.

In one point the laws of all nations have concurred; that infidelity to the vows of marriage by the dereliction of chastity, is a sufficient ground of dissolving the matrimonial union. This is admitted on a universal principle of law and reason;—that fraud or failure in fulfilling the condition of a contract exonerates the innocent and deceived party from its obligations. In marriage, therefore, when the rights of one of the parties are alienated and transferred to the possession of another, the contract is violated in its most essential article. And the law may justly grant a divorce to the injured party suing for it; yet on such terms, and this would be an additional security to morals, that the party offending should never enjoy the privilege of marrying again. But although infidelity be a reasonable cause of divorce, the offender ought never to be allowed to plead his own fault in order to obtain a dispensation from the bond of matrimony. Faults ought to be punished, not rewarded. And, however painful the idea of infidelity in a husband, or a wife,

may be to the jealousy of honor, or of love, yet there are situations in which it is preferable to suffer the severest pains of the heart in silence, especially for a wife, than to submit to the consequences of a forced separation.

Obstinate and continued desertion may, for a similar reason, be esteemed a justifiable ground of divorce, when it can be proved to have taken place without just cause. Such causeless and voluntary desertion defeats the end of the matrimonial contract, and is, as in the former case, a fraudulent violation, or abandonment of its conditions. As in that case, likewise, it would be contrary to good morals to yield to the offending party the right of contracting a new marriage.

To these causes I scruple not to add habitual intoxication, as defeating the principal ends of marriage; the happiness of the parties, and the proper care and educa-



able ground of the *separation* of a wife from his *bed and board*. It is, in my opinion, an adequate cause of divorce, where it can be sufficiently ascertained to the judgment of twelve competent and impartial men. Inhumanity in the husband, not less than infidelity in the wife, is a violation of all the ends and conditions of the marriage contract. If this be denied, because there is no uncertainty in the offspring in the one case, as there is in the other; I answer, that it is a vile and base idea of marriage to suppose that it is merely making a woman the vulgar instrument of giving an heir to an estate.

Other causes have been assigned by different writers, but, apparently, with less reason, as affording sufficient grounds of divorce. Among these has been given *great contrariety of temper*, which mars the mutual happiness of the parties. This cause is infinitely too vague to be designated in any law with that precision which is requisite to the due administration of justice. But, besides this inconvenience, the most ill-disposed would always have too much in their power. Of the general principle a dreadful abuse was made, at one period, during the late revolution in France.

Certain diseases, supposed to be incurable, have also been enumerated, among the adequate causes of divorce. But, not to mention the difficulty, not to say impossi-

bility of ascertaining what diseases, or whether **any**, are absolutely incurable, a peculiar cruelty seems to be involved in the principle. After the fortunes, and happiness of two persons have become so intimately **united** together as they are by marriage, is it not most unreasonable and inhuman, that because it has pleased divine providence to afflict one with severe disease, the *other* should possess the power, not only to add to the calamity, but to take away from the miserable sufferer, who ought to be so tenderly cherished, and protected, the last ray of consolation and hope?

The last of these imperfect and inadequate causes of divorce which I shall mention, is *mutual consent*.—To the willing, it is said, no injury is done.—Consent, I answer, may be a sufficient ground of separation; not of divorce. Divorce implies the right of marrying again in the party in whose favor it is made. This would often prove too great a temptation to the strongest, or most malignant to harrass the other into consent by intolerable vexations. This was also tried in France during that period of confusions, and was found to make confusion only more confounded.

Individual cases of hardship must undoubtedly arise from a rigid adherence to the principles above laid down. But no tribunal can be constituted in human society

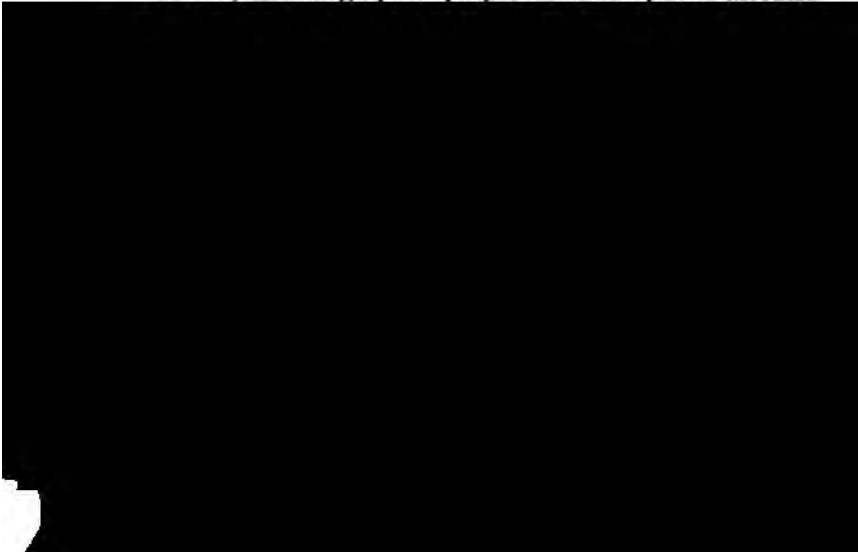
which can be safely vested with the power of suspending the rule, or of judging, in all cases, of its equitable exceptions. Society, like the universe, must be governed by general laws.

Thus have I treated of the relation of marriage both before, and since the christian æra, as far as respects the equity of the polygamie, or the monogamic institutions, chiefly with the view of rescuing from licentious reproach the ancient worthies of the church, and fathers of our religion. I have endeavored, in the next place, briefly to state the causes which may, at any time, be safely and reasonably pleaded to justify the dissolution of a connexion so sacred, which has once been rightfully formed.

OF THE CRIME OF AN ILLEGAL COMMERCE OF THE SEXES.

Having spoken of the marriage contract formed under the sanctions of the civil law, and considered it, as limited by the christian law, to take place between one person only of each sex, I shall now proceed to point out the crime of any clandestine and illegal unions which form the principal offence against this most important of the domestic relations.—In proportion as loose and vagrant connexions between the sexes, exist, and are justified, or connived at by public opinion, or are pursued by private vice, marriage is regarded as inconvenient and falls into

disuse; men become profligate and enervated; women are rendered unhappy and contemptible in proportion as they are dishonored; and children, growing up without proper example and education, become ignorant and vicious; and, from all these causes, the public morals and the interests of the state suffer deep and irretrievable injury. There is no vice which men appear to be so willing to excuse to themselves; yet, none in the whole catalogue of crimes, is productive of greater evils to society. The licentious, because they do not immediately suffer from the consequences of their seductions, are found to become unfeeling, cruel, and treacherous. Remorselessly they leave the victims of their pleasure to the most exquisite sufferings, to infamy, and ruin. If these unfortunate women ever return to a sense of virtue, they are overwhelmed with anguish and shame: but if, as is too likely to be the case, a vicious appetite, or despair from the loss of character, tempt them to a life of prostitution, a fatal gulph is prepared for the public morals.

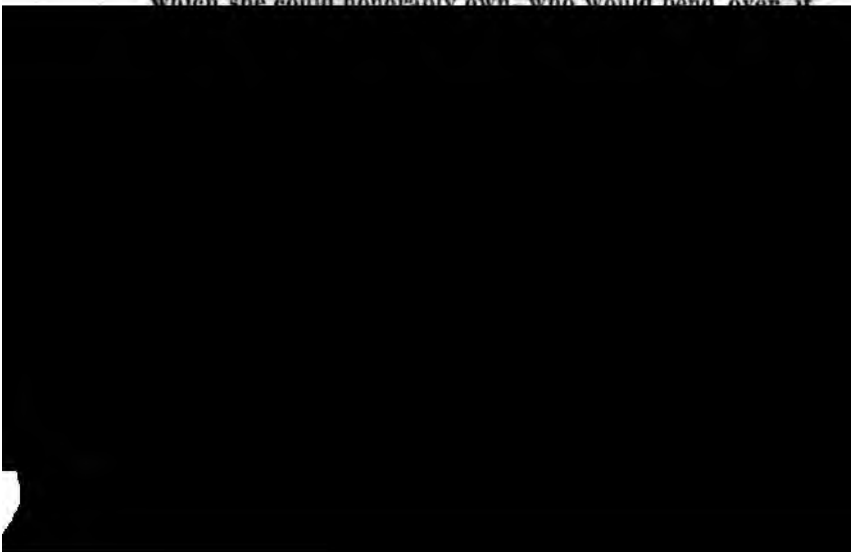


train of so much more aggravated evils ! It diminishes the guilt but little, that they are, most commonly, committed with the consent of the unhappy sufferer : it is the difference only between swindling and robbery.

Women, whose frailty deserves compassion, have usually been the sole, or the principal sufferers from this crime, by the natural dangers which grow out of the female constitution, by the severity of public opinion, and their own terrible sensations when left alone to all the consequences of their lost virtue. If the law would ever impose an effectual restraint upon an evil so pernicious to society, it must subject the aggressor sex, who are chiefly culpable, to some pains equivalent to those of which they become the occasions to their seduced and unhappy companions.

Men who would reprobate in the strongest manner the arts of seduction employed on tender and inexperienced females in the wealthier and more polished circles of life, too often feel little compunction at corrupting the virtue, and destroying the happiness of women in the inferior classes of society. The pride of rank and fortune disqualifies them from sympathising with the feelings of those who are far beneath them, as if their sensibilities were less exquisite, and the loss of character were to them a less evil, than to females of better condition. Their in-

feriority, indeed, renders them more liable to the unprincipled attempts of seduction ; but the loss of virtue and of character is not less a source of extreme wretchedness, and often becomes the direful impulsion to abandoned prostitution, and, at length, to the perpetration of the deepest crimes. When women, in order to guard one virtue, the most difficult and important to be preserved, have collected the whole of female honor into a single point, that it may be the more strenuously defended, if they have been seduced to deliver up this fortress of their fame and character, they commonly abandon with it all their other virtues. And the seducer, who, by vows and protestations, has betrayed too credulous innocence, is chargeable, in the sight of Heaven, with all the anguish, and the guilt which follows. What then must be the degree of that anguish which follows the fruit of unlawful love, when woman, whose maternal feelings are so exquisite, who would survey with such pride the infant which she could honorably own, who would bend over it



as accompany the innocence of a virtuous woman, if the vices, the shame and misery which follow the dereliction of virtue in the sex, can aggravate guilt, how aggravated must be the guilt of her seducer ! And how base must be the heart of that man who, for a moment of thoughtless pleasure, will hazard the bringing of such evils upon one whom love should cherish, whom honor and generosity should protect !

There are men whose honor would shrink from the enormity of bringing disgrace and ruin on the innocence, and the confiding simplicity of a young woman in a decent station of life, who are little scrupulous at seducing married chastity. They encourage themselves by the idea that this crime is more secure from the disgrace of detection, and the foul dishonors which blast the fruits of unlawful love in an unmarried state.—Yes, but it is never perfectly secure. And is it not then greatly aggravated by the dishonor and affliction of a whole family, and by the anguish of a husband robbed, at once, of his honor, and his principal treasure ? No reward can purchase back the peace of mind of an injured husband, and father of a family. Death would often be a preferable evil.—But, admitting that the crime could be preserved a perfect secret, is it, in any degree, less a crime on that account ?—The criminality of an action is not to be estimated by the consequences which may hap-

or suffering, which he might be able, by virtuous exertion, to remove, is justly esteemed worse than a barbarian.

But a parent fulfils only a small part of his duty who, contented with sustaining his children during their feeble and infantile state in his own family, neglects that useful and efficient education which will enable them to make provision for their own subsistence and comfort in future life, and to transmit the same powers to the generation which may succeed them. Whatever fortune a parent, at his death, may leave to his children, he has not acquitted himself of the sacred obligation contracted at their birth, unless he has, in a government like ours, in which there is no hereditary nobility, and no entailed wealth, endeavored to render them, by an education correspondent to their condition in society, independent on fortune. Often have we occasion to behold great and afflicting reverses in the external circumstances of opulent families, and miserable are they who have not been taught with



sinks them into insignificance and contempt. The parental affections, in order to be virtuous, ought to be regulated by a firm inflexible sense of moral obligation. It is then only that they become noble and dignified principles of action, and instead of consulting the momentary gratifications of children, through a fond imbecility of mind, pursue only their more enlarged and durable interests, to which just and prudent restraints become often the most useful, though sometimes the most painful, offices of a wise education.

Education, even as it respects the humblest orders of society, embraces a field of great importance and extent. Nature has given to man the powers of action, it is education which directs their operation :—the soil is prepared by nature, but the harvest it shall produce depends upon its culture. It is education chiefly which makes man what he is ; whether it be well, or ill conducted. In the idea of education I include not only what is conveyed into the mind by direct and positive instruction, but every impression which is received directly, or incidentally, by precept, example, or intercourse with mankind, which contributes to form the character. This opens a wide scope to the attention, circumspection, and care of a virtuous parent. One of the first of parental duties is to have children initiated in some useful arts, and trained

its influence. There is sometimes a shade of austerity and gloom thrown over the face of piety by its real, but mistaken friends, which is calculated to alienate rather than allure the young mind, and inspire it with respect and love. True religion is dignified, serene, and mild ; it invites cheerfulness, while it restrains levity ; it promotes gravity, though an enemy to gloom ; and cultivates a noble and manly devotion infinitely distant from the dark and dismal countenance of superstition ; and is equally distinguished for the practice of all the social virtues, as for the serious and decent discharge of all the offices of piety. Religion should ever be made respectable and engaging by the liberality of its spirit, as well as the purity of its manners.

Some writers, influenced by their antipathy to certain principles of religion in which they had been early initiated, and the impressions, or the fears of which afterwards cost them much pains to efface, have run into the



glected, there is infinite hazard of its being led astray by the companions which inexperience, and the thoughtless impulses of pleasure, naturally incline them to select.

But the best precepts will lose their effect unless they are accompanied by a virtuous and pious example. The principle of imitation is a much more powerful instrument of morals in youth than merely depositing in the memory the general maxims of duty. A serious respect to the institutions of religion, a pure and chaste conversation, the example of strict integrity, of warm and active benevolence, of prudent and circumspect manners, especially in the presence of youth, as they are duties of all times, and of all persons, are peculiarly incumbent on parents in the education of their children. It is especially a duty to inculcate upon their tender minds just sentiments of the Divine Being,—of his infinite perfection,—of his universal government,—of his moral inspection of the actions of mankind,—and to place before them continually, in an amiable example, the beauty of virtue, the dignity of piety. Unless the law of morals be supported by the force of religious principle, it loses its most powerful control over the human mind.

It requires, however, prudence of conduct, and great amiability of temper, to render religion acceptable to youth, and to derive the full benefit to their manners from

and definite rules can be prescribed concerning it. Seldom, indeed, is there any defect on the part of parents, of a desire to accumulate fortune, and to provide for the decent and honorable introduction of their children into life. But this natural and laudable desire is often counteracted in its aims by the stronger love of indolence, ostentation, or pleasure. But no considerations are more important to the happiness of children, and their comfortable provision, than such a judicious economy in the stile of living, as will not accustom them to indulgencies, and create expectations of a future establishment in life, which must probably be disappointed. Few mortifications are so hard to be borne by the young as the being deprived of customary enjoyments to which all their tastes and habits have been formed ; and being thrown down from that rank in society in which they expected, and have been accustomed to move. And whatever property he may have to bestow upon them at his death, or whatever assistance he may have it in his power to render in his life, the im-



OF THE RIGHTS OF PARENTS, AND THE DUTIES OF
CHILDREN.

Out of the obligations of parents to provide for the happiness of their offspring arise, on the one hand, the rights of parental authority, and, on the other, the duties of filial obedience and affection. Some ancient nations appear, from their history, to have invested parents with an extreme authority over their children, a consequence, probably, of the rudeness of their manners, and the defect of their civil institutions. The Romans, in the first ages of the republic, made every father a supreme magistrate in his family, and clothed him with the power of life and death. This was an egregious abuse of the dependence of children. No man derives from nature a right to become the occasion of existence to a helpless offspring, only to render them miserable. The rights of parents spring out of their obligations. Obligation implies every power necessary to give it effect ; and implies only those powers. If, then, it be the duty of a parent, by a prudent education adapted to his condition in life, to prepare his children to be useful citizens, to cultivate their minds in

that any discrimination in the distribution of a parent's property at his death, should be in favor of the youngest son ; on the idea that he must probably have received the least assistance during his father's life. In this distribution, therefore, the paternal mansion usually passes to him.

virtuous principles, and to form their manners to virtuous habits, he possesses, by the law of nature, the right of controlling their actions, and directing their pursuits so far as is requisite for the attainment of these ends. And if, before their reason has arrived at sufficient maturity to govern their own conduct with prudence, they cannot, by mild and persuasive means, be induced to apply with diligence to the regular discharge of their duties, he possesses the power of moderate coercion. But coercion, as it ought ever to have in view solely the good of the child, and to be exercised with calmness and dignity, should never be exerted to indulge caprice or passion. Barbarous corrections are not justified by any rights which nature confers on a parent. The utmost penalty to which his lawful power extends, is cutting off an incorrigible child from the privileges, and advantages of his family. But to sell his child to slavery, as is practised by some barbarian nations, or to execute upon him capital punish-



may chuse a profession for his infant, and require him to give his diligent attention to acquire a competent skill in it, that he may be put in possession of an honest and sufficient resource for his future maintenance. He may, with the same view, and under the pressure of the same necessity, bind his infant to service for a limited time. But the benefit of the child can never require, and, therefore, no pretence of this kind can ever justify his being sold to perpetual bondage. We may, perhaps, lay it down as a general rule, that whatever unnecessarily opposes the happiness of a child is not within the rights of a parent. For the same reason, it is not consistent with his duty to consult the wealth and grandeur of one branch of his family, at the expense of the feelings, the comfort, and the reasonable expectations of the others.

OF THE DUTIES OF CHILDREN.

Nature lays the foundation of the duties of children in that strong instinctive affection which attaches the parent to his offspring, and which consequently both requires, and prompts, on their part, some correspondent return of dutiful attachment and love. This principle is greatly strengthened by the tedious imbecility, and dependence of children on the parent's care ; during which time the force of habit, and the continual reciprocation of offices of mutual endearment, aid the transition of the affections

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and augment their attractions on each side. Every pain endured for children, every solicitude called forth by their wants and their dangers, every care bestowed upon them for their protection, their provision, their education, cultivates and increases the parental affection, and demands the purest returns of filial duty and submission. And the richest returns a good son can make to a virtuous parent is his wise and successful improvement of all the means which parental affection has provided for his own honor and interest. A higher pleasure cannot be enjoyed than that delicious pride which swells the breast of a worthy parent on seeing a beloved son fulfilling his career honorably and usefully ; and a higher delight cannot be tasted by an ingenuous son than the consciousness of imparting this happiness to such a parent. It is a saying of Plutarch,* it is forbidden to do injury to others ; but it is unjust and impious not always to speak and act in such a manner as we know will give pleasure to our

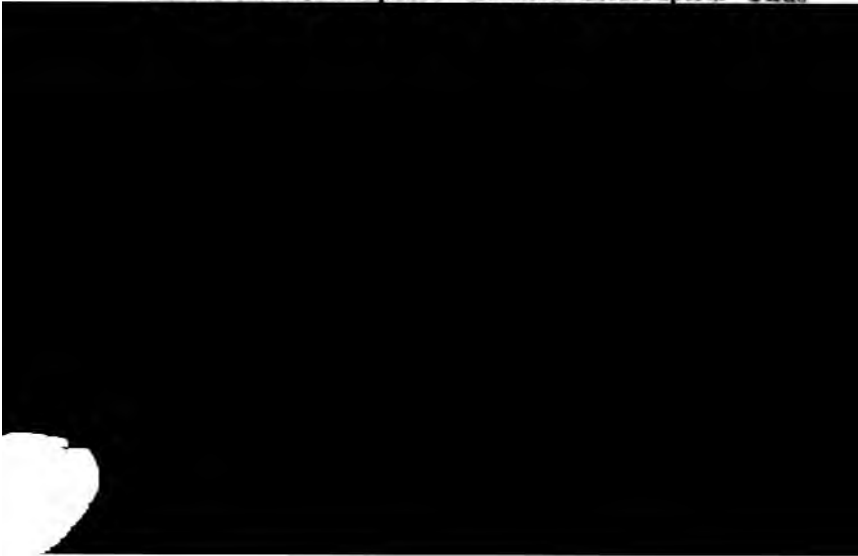


glory.—Such a son will always delight to render his parents happy by his virtues ; if they are liable to errors, he will study to cover them with the mantle of filial love ; if, sometimes, they betray any weakness or caprice of temper, he will recollect how much they have endured for him ; and, in their declining age, it will be peculiarly grateful to soothe their sorrows, to relieve their necessities, and to repay, in some measure, to their infirmities, the debt of his early years. The Persians, by a law, obliged children to maintain their aged, infirm, and indigent parents ; a dutiful son needs no law but his own heart.

All filial duties, however, are so conjoined with a wise and virtuous education on the part of the parent, that, if this is neglected, he loses much of his claim to the affectionate obedience and deference of his child through life. A good education in sober, industrious, moral and religious principles and habits, forms the strongest tie which can subsist between parents and children. And filial duty, resting on this foundation, is not only the chief strength of domestic union, and happiness, but the surest basis of all other virtues. It is justly said by Cicero, in his oration for *Plancus* ; *fundamentum est omnium virtutum pietas in parentes.** Not only is it the source of domestic felicity and harmony in individual families, but where

* The foundation of all the virtues is filial piety.

filial piety and good family discipline, and education, come to be incorporated into the characteristic features of the national manners of any people,—as they are the basis of public virtue, they are commonly the certain pledge also of the public prosperity. These reflections will assist to furnish the true interpretation of the fifth commandment of the Mosaic decalogue, with the annexed promise, which appears to have been often but imperfectly understood. “Honor thy father and thy mother, that thy days may be long upon the land which the Lord thy God giveth thee.” This precept and promise is evidently addressed to Israel as a community; and is founded upon the universal moral order of providence established over the world. Virtuous and well governed families form the basis of public order. A dutiful offspring moulded under an excellent parental education, will, in their purity, hand down the civil and religious institutions of the republic to the following race, and transmit, with the same care, the public manners uncorrupted. Thus



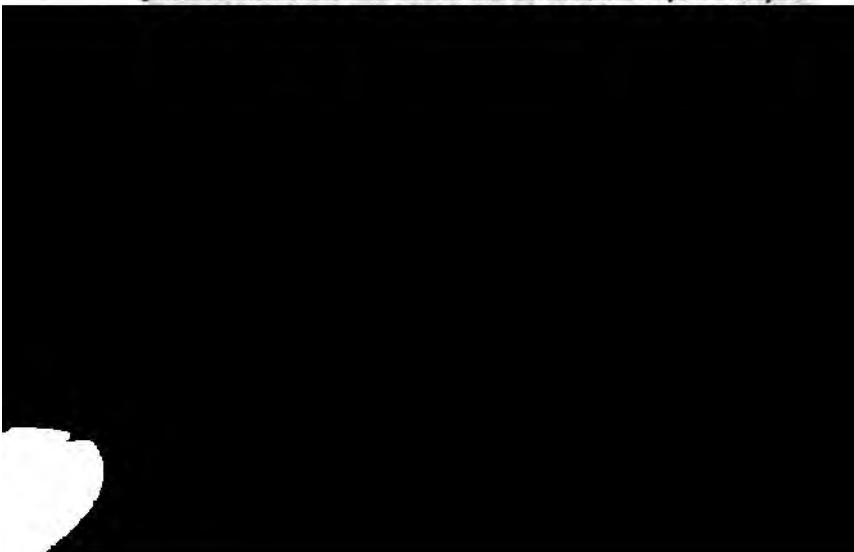
pure, and the youth of the nation shall remain modest, docile, and dutiful, so long shall you continue to flourish as a people, in the land in which God hath planted you; for so long will continue to flourish those virtues on which the happiness and stability of nations depend.*

* It is impossible that this promise should bear a reference to individuals in their separate capacity; because long life has never been the peculiar and exclusive blessing of filial piety, though the stability of nations has been always connected with virtuous men, and national virtue with the modesty and obedience of youth. This command to youth to honor and obey their parents, with this peculiar promise annexed to it, was intimately conjoined with the system of domestic education established among that wonderful people. Nothing can exceed the care and attention of the great legislator of Israel to have all the children of the nation perfectly instructed in their religion, and their duties as citizens and as men, and to institute in every family such a faithful discipline as would most effectually secure this end. After having formed that wise and extraordinary code which embraced the whole compass of their religious, civil, and moral institutions, he adds, under the most solemn sanctions :—*And ye shall teach them to your children, speaking of them when thou sittest in thy house, and when thou walkest by the way, when thou liest down, and when thou risest up. And thou shalt write them upon the door posts of thy house, and upon thy gates.* And, for what purpose was all this pious zeal?—For the same expressed in the commandment just quoted :—*that your days may be multiplied*, that is, the days of the nation, *and the days of your children in the land which the Lord sware unto your fathers to give them as the days of heaven upon the earth.* Evidently implying that, if they should continue to maintain this holy care in the education of their fami-

The duties of children do not cease with their dependence. In the breast of an ingenuous child, the remembrance of a thousand obligations, and a thousand endearments, will last through life; and the filial affections, strengthened by time, reflection, and experience, will display themselves in innumerable and nameless delicacies of attention to the wants, the infirmities, the wishes of parents; especially in their declining years, when it often happens that, having lost the greater part of their early friendships, and, with them, their finest relish for life, they have left no other consolations but those of religion, and the affections of their children.

lies, and their children should grow up under this culture dutiful and obedient to all their instructions, their national existence and prosperity should be prolonged under the good providence of God, and be co-extensive in point of time, with their virtues.

Similar ideas with regard to the institution and discipline of youth prevailed in most of the states of antiquity, as long as they preserved the simplicity of their manners, and the energy of their character. As we see strikingly exemplified in Xenophon's account of the Persian institutions; in Livy's history of



LECTURE XXI.

ON THE RELATION OF MASTER AND SERVANT.

CONTENTS.

The true origin of the relation of servant, and master.—

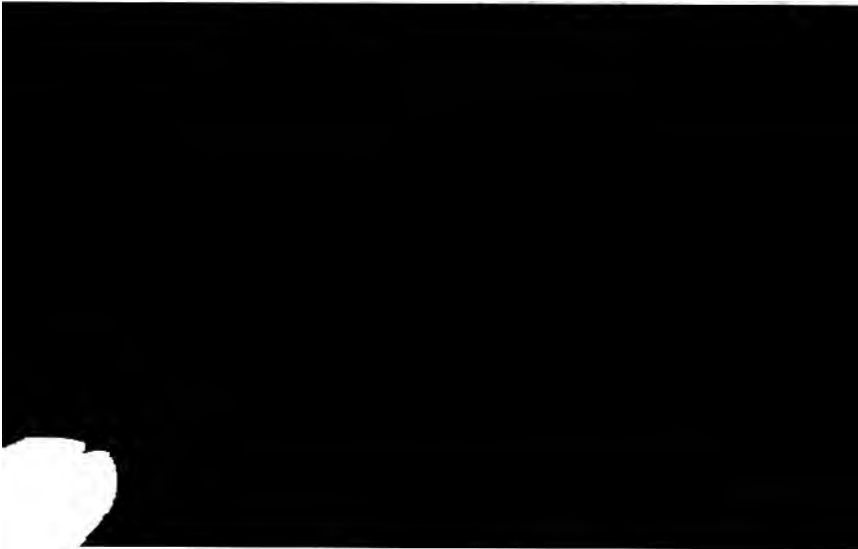
Various ways of becoming subject to service—reciprocal duties of master and servant.—At the beginning of the Christian æra, the only servants were slaves.—The difference between them—The question, whether slavery be lawful.—The causes which have been alledged for slavery,—crimes,—debt,—captivity. Their insufficiency.—The iniquity of the African commerce for slaves : Of slavery in despotie, and in free countries.—The question, whether justice now requires the universal emancipation of the slaves in the United States ; or, whether it can be effected consistently with the public safety. The importance of attempting it, if it be now possible.—The obstacles, however, hardly to be surmounted.

THE next domestic relation which occurs to be considered is that of master and servant.

In the progress of society, and under the operation of laws which secure to every citizen the fruits of his own in-

dustry and skill, distinctions in property will necessarily arise. Some, by a well-directed, or fortunate industry, will accumulate wealth, which will enable them to purchase the services of others, who, by mismanagement, misfortune, or the want of address, having fallen into poverty, will be obliged to sell their labors. This is originally the only reasonable ground on which the relation of master and servant can be founded. It is bottomed upon the principles of all fair and equitable commerce. Labor is a commodity brought into the market ; and the price of it must depend on the number of those, on the one hand, who desire to purchase, and of those, on the other, who are obliged to sell. In a contract thus formed, under the supreme guardianship of the laws, the servant is always secured against injustice and oppression.

A man, through the pressure of poverty, may not only be obliged to give his own services for hire ; but he may reasonably subject his children to a temporary servitude



rents, or if they have early become orphans, and are likely to fall into want, and, by the infelicity of their situation, to be led into profligate habits, and thus become a charge, or a nuisance to society, society may enter into the rights of parents, or rather, may exert a right inherent in itself, and necessary to its own preservation, and happiness, of disposing, for a limited period, of the service of these children, under equitable conditions, calculated for the mutual benefit of the master, and of the child so bound to service.

These various ways of forming the relation of master and servant, may all be considered as being founded in contract, in which an adequate price is paid by the master for the labor of the servant, and the servant repays, by his labor, the benefits he receives.

The duties of masters and servants may all be summed up in equity on the one hand, and fidelity on the other. If it be asked what equity, or fidelity requires in these relations respectively, I answer, the fulfilment of whatever lawful engagements are expressly stipulated in the contract, or are reasonably presumed to be implied in it: and these reasonable implications are always to be judged of according to the general and known customs of the country.—I say the fulfilment of all *lawful* engagements; because no contract for the performance of things in

themselves unlawful, is obligatory. It contradicts an antecedent, and superior obligation. No power can justifiably impose a command which requires the violation of any moral, or religious duty ; and no subordination in rank can justify obedience.

Servants, notwithstanding the humility of their state, are susceptible of the common feelings of human nature. And although they are secured by the laws against extreme oppression, yet their dependence, which may often expose them to the insults of pride and caprice, puts their happiness very much in the power of their superiors. Hence arises a duty on the part of the master, springing out of the general obligations of humanity, to avoid all unnecessary harshness ; all haughtiness and insolence of treatment and demeanor towards his domestics, and to address them, at all times, with such kindness of speech and courtesy of manner, as shall make them, as little as possible, sensible of the disadvantages of their situation in



as will tend to preserve them from the vices, and the temptations to which, by their state, they are peculiarly exposed. The highest duty which religion and humanity exact of a man whom Providence has placed in such a superior relation, is to protect and promote their virtue ; and in this benevolent and most reasonable case he will find also his own interest. No service is so faithful as that which is governed by strict principles of morality, and religion.

When Christianity first appeared in the world, the relation of servant, as it is here explained, nowhere existed. We find in that age only masters and slaves. The mild genius of the christian religion early ameliorated the condition of that unfortunate class of men ; and its benevolent influence, concurring with other causes in the progress of society in Europe, has at length entirely banished slavery from that highly civilized portion of the globe.

This abject state of human nature still exists over all the continents of Asia and Africa, and has unhappily been suffered to mingle itself with the original institutions of our own country. A slave is not, like a servant, bound by contract for a limited time, and under specified and reasonable conditions, to perform particular services ; but is the absolute property of his master ; and the kind and degree of his services have no other limit than his master's will.

Captivity, which has, in all ages, and in all countries, except among the modern nations of Europe, been the most universal cause of slavery, is the most unjust title of all to the servile subjection of the human species. It is cruel to avenge on individuals the injuries of their nation, or rather of its government. In civilized warfare generous foes will inflict no other evils on an enemy than such as they conceive to be necessary to bring the public hostilities to a just and successful termination. It is even good policy to treat prisoners with the greatest lenity which is consistent with their safe-keeping. An enemy will fight with less obstinacy against a humane nation. And captives, when permitted to labor for hire in their respective arts, or in the cultivation of the ground, may supply, in some measure, the deficiency of hands created by enlistments in the army. But to reduce them to slavery is contrary both to justice and humanity. Yet captivity in war was almost the sole ground of that extensive slavery which disgraced the policy of the Greeks and Romans, and of the barbarous rights exercised over their slaves. It was a principle with them that the conqueror had always the cruel right of putting an enemy to death; whence they concluded, with stronger reason, that he possessed the milder right of reducing him to slavery. The principle is false, and the conclusion inhuman. No law of just and generous warfare

authorizes the victor to put to death a disarmed and unresisting enemy.

Still more iniquitous is that barbarous policy which excites wars among the ignorant and savage tribes of Africa, with the view of purchasing for slaves the wretched captives.* Indeed the whole of the African trade for slaves, in its principles, in its conduct, in the miseries it has introduced into an extensive region already too miserable; and in the cruel mode in which these unhappy wretches, after being torn from their country, are pinioned down in the holds of the vessels which convey them to the remotest parts of the earth, to be sold like brutes to perpetual bondage, is among the most atrocious inroads upon justice and humanity which have ever been practised in any age, or by any nation. The pretences which are made to justify it are as impudent, as the traffic is inhuman—that a civilized people have a right to compel such ignorant savages to labor



to a country where they may be better instructed;* when, God knows, even this hypocritical pretence never enters into the views either of the slave-merchant, or the purchaser.—But a more plausible palliative for the practice is the idea that many of these unhappy men were slaves in their native country; and that all must have been more miserable at home, half-famished amidst their burning and barren sands, and subjected to a dark and bloody despotism, than they can be in a mild and plentiful region, among a people of polished manners. This is making the prejudices of our self-love the judge of their happiness, while at the same time, our own interest is the advocate.—There is no country, however severe the climate, and however barren the soil, from which a native is not unhappy to be exiled. The ideas, the habits, the pleasures of men, are all inseparably blended with the scenes, with the society, with all the objects which have been familiarized to them in the country which gave them birth. A Laplander prefers his snows and rocks to the most cultivated landscapes of France or England. An American savage perceives more delight in his solitary wilds, and even in the ashes of his

* This was a principle of the Romish Church in the grossest ages of her superstition : and on the pretence of this detestable principle, the Spaniards exterminated, or reduced to the most abject condition of servitude, the miserable natives of Mexico and Peru.

wigwam, than he would in the most splendid apartments of a palace.—Men deceive themselves continually by false pretences, in order to justify the slavery which is convenient for them.

There are countries, indeed, in which the very corruption of the government has rendered slavery necessary; and where it is so congenial with all the political and civil institutions and habits of the people, that it seems to lose the injustice of its nature. In a despotism, every grade of the community is already enslaved, and the prince himself is the slave of his slaves. Slaves here are not relatively that degraded race of beings which they necessarily must be in free states. They attain a degree of consequence from their utility to indolent and voluptuous lords, all whose affairs they are accustomed to manage; whose interest and pleasures are almost wholly in their power. The poorer classes of the people, in these countries, often rush to slavery with



satrap, interest often leads his mercenary master to protect him.

In a free country, on the other hand, the poorest man is protected by the laws ; and between a freeman and a slave, there is such a wide distinction, that the slave, by comparing his state with that of a citizen, a comparison which continually meets his view, must feel his condition to be peculiarly humiliating and degraded.

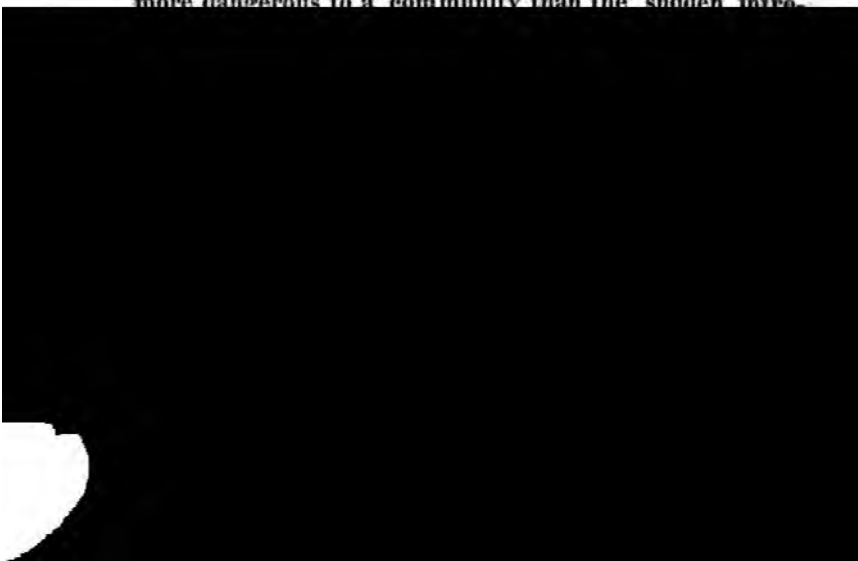
The cruel and mercenary policy of those commercial nations in Europe who planted colonies in the new world, gave birth to that trade in African slaves, which, on the score of its injustice and inhumanity, merits the strongest reprobation. Hence the origin of that extensive system of slavery which exists in several of the United States. —But here our enquiries must receive a new direction. Is that slavery which was unjust in its origin, equally unjust in its continuance ? All men condemn the barbarity of dragging the simple Africans from their native country. But America is the country of their descendents, and it would now be equally cruel to tear them from the soil in which they have grown up, and to send them back to Africa.* Servitude is undoubtedly a hard lot to the sen-

* And their general and indiscriminate emancipation, as we shall shew in the progress of the lecture, would be attended with many, and almost insuperable difficulties.

sibilities of freemen ; but the habits and ideas of these people being accommodated to it from their infancy, it does not press with the same severity upon their feelings. And hard as their lot appears to be, it cannot be denied to be preferable in every thing, except the sense of liberty, to what it would have been, born of the same parents in the original country of their race. But that precious sense of liberty, renders tolerable to the savage poverty and wretchedness, the most barren sands, and the most howling wilderness. To confer on our American slaves, therefore, a privilege so dear to human nature ; and otherwise, as far as possible, to ameliorate their condition, are certainly objects worthy a humane legislation. But our generous feelings may sometimes rush too precipitately to their end, as well as worse passions. And, in accomplishing this benevolent work, if it can be accomplished at all, in those states into the constitution and manners of which slavery is most deeply incorporated, great pre-

cution.—The citizens of those states hold a property in slaves to a very large amount, acquired under the sanction of the laws. The laws, therefore, could not equitably compel them to make a sacrifice of so great value, to the convenience and comfort of any class of men. And neither justice nor humanity requires that the master, who has become the innocent possessor of that property, should impoverish himself for the benefit of his slave. On the ground of compassion for this degraded race, I do not know that the present holders are exclusively called upon to suffer the loss which must be incurred by a general emancipation.—One mode, indeed, has been suggested, in which it is conceived that the demands of justice on the part of the master, may be reconciled with the wishes of benevolence with regard to the slave ; and that is, by making an equitable estimate of the value of each slave, and of the value of his labor for a year, in consequence of which, the state might bind these slaves to their present masters, as in other cases of bound servants, for a term of years, to be calculated from the preceding estimates ; after which they would naturally pass to the enjoyment of liberty. To this might be added a law declaring all who should be born in a servile condition after case of men acting together in a mass. Therefore we so often see the hardest and most cruel things done by such bodies without any compunction.

the passing of that act, free after a certain age ; only allowing sufficient time by their labor to recompence their masters for the expense of their maintenance in childhood.—All that could be said of such a law would be that it would be less unjust than one proclaiming an immediate and universal emancipation. What free people would allow their legislators to dispose, in the same manner, of any other portion of their property ?—But if it were free from every objection on that head, great and numerous difficulties would oppose themselves to its execution : difficulties which will not readily suggest themselves, perhaps can hardly be conceived by men who have not, at some time, been familiar with the institutions of slavery, and witnessed their effects on the habits, ideas, and whole state of society. One difficulty only I will mention, which a prudent policy, always attentive to the public safety and tranquillity, will naturally oppose to such a general manumission as is here contemplated. No event can be more dangerous to a community than the sudden intro-



former restraints, they would become idle and profligate. Few of them willing to labor, and fewer finding regular and constant employment, or receiving wages sufficient to support them and their children;* they would often seek their provision by plunder, and often by corrupting the fidelity of the slaves. In the natural progress of events, therefore, we should soon see property every where invaded, public safety disturbed, and even domestic peace and security constantly endangered.

From these, and many other causes, it will be evident that the emancipation of the African race in the United States, if it ever be accomplished, must necessarily be the slow and gradual work of time ; but as it is an event ardently desired by the friends of humanity and liberty, the laws perhaps ought to attempt it. Yet in this attempt they will certainly have a most delicate and arduous task to perform ; to facilitate manumission, and yet guard against the evils to which it is exposed ; to encourage the ideas of universal liberty, and yet check the indiscreet benevolence of certain owners of slaves who, either during their life, or at their death, may be disposed to emancipate them, as an act of extraordinary merit, without having made provision to render that liberty useful to the slave,

* This would necessarily be the case, as long as slavery still subsisted ; the free would seldom be employed while the master could be served by his slaves.

or safe to the public ; that is, indeed, to throw on society a multitude of idle dependents, with a mass of servile vices, which no citizen has a right to do, either for the mistaken relief of his conscience, or the display of his vanity. In a word, the laws ought, perhaps, to hold out the hope, and the means of freedom to all, yet so as, if possible, to admit those only to a participation of its privileges who shall have previously qualified themselves by good moral and industrious habits, to enjoy it in such a manner as to be beneficial to themselves, and to the state.

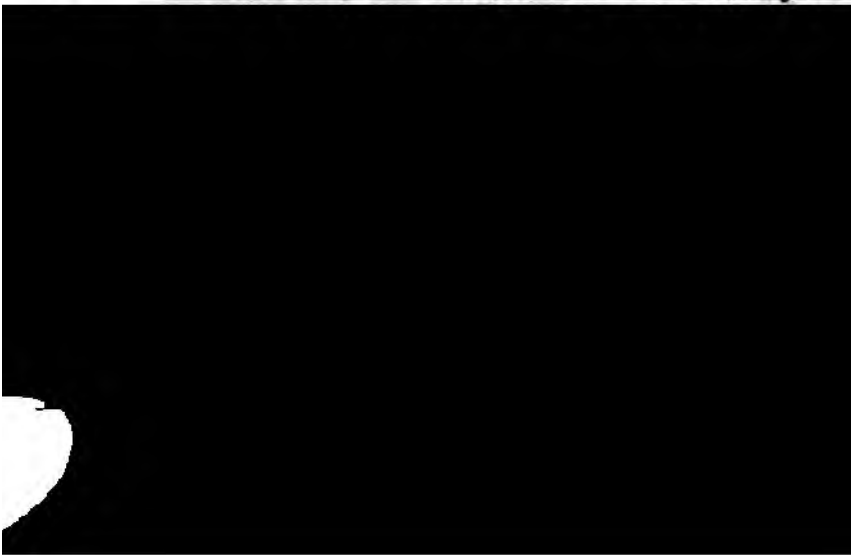
For this end might not the laws favor the granting of a certain *peculium** to slaves, to be employed wholly for their own benefit, which might be sufficient to produce, in a course of years, longer or shorter according to the industry and skill of each slave, a revenue, adequate to the purchase of his own freedom ? In order to impose a proper check upon the avarice of masters, a certain method



services rendered by his slave. It would then become a small, but valuable fund on which to commence a new course of industry, and with which to animate and assist his opening hopes. In this way liberty would be within the reach of all who possessed health, and a proper disposition to labor. Those who should be too indolent to purchase it, would not deserve it; and if it were bestowed on them, would abuse it. This seems to be the most probable means by which slaves can be introduced to the possession of freedom with such good habits as shall be at once useful to themselves, and not dangerous to the public order and safety. On this principle the claims of justice, and of a wise benevolence might be equally satisfied. None would be excluded from the reasonable hope of liberty, but the idle and undeserving; and they, no longer than till they should render themselves worthy to possess it.*

* Such an institution might be the more easily carried into effect in many of the southern states; because, so mild is the form of slavery there at present, that it is customary to exact of any field slave only a definite portion of labor in the day, called a *task*. This task is a small square of ground marked out by the overseer in the morning, which is equal for each slave, and is usually calculated according to the strength of the weakest hand in the field. To cultivate this is all that is required in the day. The strongest hands often finish their tasks before the middle of the afternoon. They then voluntarily help the weaker, if they have any particular friendships. If not, the

One danger would probably arise from liberty obtained even in this way. The prejudices which exist against a union of the whites with the blacks, would render it impossible to amalgamate the two races. The free blacks, retaining that habitual sense of inferiority acquired in servitude, and nourished by the supercilious contempt of the whites, would naturally throw themselves into the society of the slaves. Such an association would be injurious to both. It would impair the motives which should prompt the freedman to aspire to respectability by his property and his virtue ; it would weaken the subordination, and corrupt the submissive duty of the slave.—One provision alone occurs to me to prevent this evil ; and that is, assigning a large district out of the unappropriated lands of the United States, in which each black freedman, or freed woman, shall receive a certain portion of land in absolute property, together with such privileges as would induce them to prefer a settlement in the new territory to



might be improved by prejudice, or intrigue, to nourish sentiments of mutual hostility, every white man who should marry a black woman, and every white woman who should marry a black man, and reside within the territory, might be entitled to a double portion of land. And the magistrates, for a considerable period, ought all to be appointed from the white nation.

But, other regulations upon this subject, and other advantages to be derived from the institution, it is not, perhaps, necessary to endeavor further to point out. I fear that neither the general government, nor the governments of the individual states, will feel themselves under any obligation to make great sacrifices in order to deliver this humiliated race of men from the bondage which at present degrades them, and to raise them in time to the true dignity of human nature, in a state of liberty, and self-government.

It is of high public concern that slavery should be gradually corrected, and, at length, if possible, entirely extinguished : for wherever it is incorporated with the institutions of a republic, it will be productive of many moral, and political evils. And where the citizens are not constantly occupied in the industrious pursuits of agriculture, or the exercise of arms, as was the case at Sparta, and at Rome, it tends to introduce general habits of indo-

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lence and indulgence, the fruitful source of a thousand other vices, which corrupt the energies of society, and enfeeble its defensive force.

There is another view in which good policy requires that those states, in which the number of slaves greatly exceeds the free population, should adopt measures to diminish that disproportioned excrecence so dangerous to the political body. The time must come when these slaves will feel their force ; and there will not be wanting among them men of a daring and enterprising genius to rouse it into action, to the great hazard of the public safety. Every revolt, and even every appearance of an insurgent and seditious spirit among the slaves, must subject them to new severities ; and severity will multiply revolts. Slavery is preparing at some future period, much individual misery, and frequent and dangerous convulsions for the republic. It is a volcano which sleeps for a time only to burst at last upon the unsuspecting tranquility of



their minds in earliest youth with the principles of good morals ; admit freely to instruct them those teachers of religion, of whatever denomination, who will take pains to adapt religious ideas to their measure of understanding, and impress them on their hearts. The more of religious principle and feeling can be introduced among them, the greater security will you have for your own safety, and the safety of the republic.

LECTURE XXII.

OF POLITICAL PHILOSOPHY, OR THE PHILOSOPHY OF
LEGISLATION.

CONTENTS.

Of jurisprudence.—Of rights, and their divisions.—Of property, and the different ways in which it is lawfully acquired.—Of property in land—of separate and exclusive property—the benefits of this institution—the principles which govern the original distribution of property—and its transfer—of occupancy—of labor—of the inviolability of property.

HAVING, hitherto, taken a survey of the constituent principles of human nature, of the general heads of morals, of natural theology, and of economics, I proceed to present to you a concise view of the rights, privileges,

conduct the liberal pursuits of youth, to introduce them to some acquaintance with the general principles of civil policy. Talents and knowledge ought always to be held at the requisition of the republic ; and the more the principles of true political science are diffused by men of letters through the body of the state, the more favorable prospects will be opened to her for the stability of her government, and the wisdom of its administration. It is not expected that, in such an elementary course of studies as is here pursued, in which the first principles of so many branches of knowledge are to be acquired in the short period of two or three years, you should have it in your power to cultivate an extensive acquaintance with the practical doctrines either of jurisprudence, or of civil policy. All that we can aim at, in this limited time, is to propose to you such simple and general principles, and open to your minds such a regular and comprehensive, but brief view of the whole science, as will enable you hereafter to pursue it to such extent as either your inclination may prompt, or your public duties may require.

This science, which may be denominated *political philosophy*, or the *philosophy of legislation*, is naturally divided into three parts, consisting, first, of the rules which regulate the conduct of men towards one another in a state of society, and the means of enforcing those rules. Secondly—the rules, or principles which give the form

to the society itself, and which direct its operations.—
 And lastly,—the rules which should govern the conduct
 of independent societies, or states towards one another.—
 The first, compose the science of *jurisprudence*.—The
 second, that of *politics*.—And the third, that of *public*
law, or the *law of nature and nations*.

OF JURISPRUDENCE.

The rules of conduct of man towards man in a state of
 civil society must be founded on their *rights*, either de-
 rived from nature, or resulting from the will of the so-
 ciety.—Jurisprudence, therefore, consists of two parts,—
 of which the first ascertains and defines the rights of
 men; the second relates to the legal and authorized
 means of defending those rights.

OF RIGHTS.

A *right* may be defined to be the just claim which any
 person possesses to the free use, and full enjoyment of a

an action to some moral rule of conduct, or to the obligation of some duty.

Obligation is the correspondent term to right, and expresses the principle, or ground of some duty to be fulfilled towards those who have a right to claim it. When any man is possessed of rights either natural, or acquired, it becomes the duty of other men, or, they are under obligation, to respect them. Whence, ascertaining the rights of mankind, whether resulting from natural law, or from the compacts of society, is a necessary foundation for prescribing to citizens the rules of their conduct respectively to one another.

Wrong, is the violation of any right. And the law of defence, which is intended for the security of the citizens in the tranquil possession of the blessings of society, relates to the means of preventing,—repelling,—or repairing wrongs.

DIVISION OF RIGHTS.

Rights may be divided in different ways ; according to their degree,—their objects,—or their sources. In the first view, they are perfect, or imperfect ; alienable, or unalienable. In the second, they are personal or real. And, in the third, natural, or adventitious.

Perfect rights are those which, being clear and determinate, a man may employ force to obtain, or defend, ci-

ther by himself, if the violence is sudden and urgent, and redress cannot await the tardy decisions of a judicial process, or, in ordinary cases, by the tribunals, and the executive power of his country ; which society, for all common and general purposes of defence, has substituted in the room of personal force,—such are the right to life, the right to personal safety, the right to property.

Imperfect rights respect objects to which a man has a just claim ; but the fulfilment of them society seldom attempts to enforce by any law. Rights of this degree are, in general, strongly founded in the principles of nature, and the dictates of religion ; but they are so indefinite in their limits, that they can rarely be marked with sufficient precision in human laws to be submitted to the decision of civil tribunals. They are, therefore, left to the laws of religion, and conscience, which alone can prescribe, in their full extent, the duties resulting from them, and add to them an effectual sanction. Such are



of the same kind, by the law of charity, to necessary assistance, and comfort, from those who have it in their power to aid them. To this class, likewise, is referred the right which a worthy candidate for any office of civil trust, possesses to the suffrages of his fellow citizens. These rights may exist, *foro conscientiæ*; and, in the general opinion, may be as clear as they are important; yet, wanting that precision and determinateness which is required in the objects of all laws under a free government, if they are withheld, compulsion can seldom be applied to enforce them. This is the meaning of imperfect rights on the one hand, and on the other, of imperfect and corresponding obligations; not that they are less binding on the conscience, or in the view of the Supreme Judge of the universe; but that they are not the objects of compulsory enforcement at human tribunals.—Hence civil laws embrace in their consideration, only the perfect rights of men in society; the laws of morality extend to both.

Another division of rights is into *alienable*, and *unalienable*.—The former embrace such as by their transferable nature can, and by their legal tenure may lawfully be transferred to others. Such are the rights which men hold in most kinds of property. But if the property be limited by contract, or conveyance to the *person* occupy-

ing it, or be made to depend on any *personal condition* to be fulfilled by him alone, it then becomes unalienable. —The latter consist of these rights, the possession, or exercise of which cannot, by their nature and tenure, or by the laws of morality ought not, to be transferred to others. Of the former kind, is the right of a magistrate in his office, the right of opinion in religion; of the latter is the right of a man over his own life, the right over any trust committed to a person in behalf of another, the rights of a husband, or a father. Some respectable writers, with a warm, and perhaps precipitate zeal, have ranked the rights of civil liberty in the class of those that are unalienable. And, it certainly argues a degenerate spirit in a freeman to be willing without extreme necessity, to abandon the privileges of civil liberty; and the treachery of a few who have been base enough to sell their own freedom, involving, at the same time, the honor and happiness of multitudes whom they had no right to injure,



Rights, in the next place, may be divided, as their objects vary, into personal and real.

Personal rights relate to such things as constitute the nature and well-being of *persons*, which, in the eye of the civil law, are two-fold,—*natural* and *artificial*. By the former are meant *individual* men ; and by the latter, *corporations*, or *bodies-politic*. The personal rights of individuals respect the safety, preservation, and proper use of their powers and faculties, either bodily or mental. The rights of corporations respect the integrity, and preservation of their members, their forms, and their laws. If any other person, or body, possessed the prerogative of disqualifying the individual members of such a chartered institution, or interfering with their forms of proceeding, or the laws established for conducting their own affairs, it would destroy, with their existence, all the beneficial purposes of their creation.

Real rights relate to such things as constitute the external state of a person, the use and direction of which no other person can justly exercise, or claim. They may be referred to two principal heads, *property*, and *power* ; and are the same with those which will, hereafter, be enumerated under the class of *adventitious* rights.

Some writers add to the preceding heads, the right of possession, when laid upon a subject not antecedently ap-

propriated. But possession implies merely a transient property arising from actual occupancy and use, and continuing no longer than that use exists. Thus in a common, a man, by virtue of possession enjoys a certain property in that portion of it on which he is actually pasturing his cattle. A fisherman enjoys the right of possession over that part of a river, or lake which he occupies with his seine. The same kind of property barbarian and savage tribes enjoy in those extensive and uncultivated territories which they continually use for their subsistence by hunting, or the actual range of their flocks.

The last division of rights which we make is, according to their sources, into the *natural* and *adventitious*, or, those which result from the constitution of human nature, and those which accrue from the necessities and conventions of society. Most of the natural rights of man are the same with those which have already been mentioned under the title of personal, such as a right to life, and lib-

Adventitious rights are such as, not belonging originally and universally to man, from the constitution of his nature, accrue to him only in consequence of the conventions of society. They refer to whatever may be conferred by the will of others, or may be acquired by compact with them; and are comprehended under the heads of *property*, or the right to permanent and exclusive use and enjoyment; and *power*, or the right to command the obedience, and control the actions of other men.

It is an object of importance in the science of jurisprudence to point out the means by which men may justly acquire the rights either of property, or of power.

OF PROPERTY.

Since the earth, and its natural products, must have been originally common, and all men had an equal right to improve the soil, or to gather its fruits, for their own benefit, it becomes a moral, and a civil question of some interest, whence arises the right of parcelling out the surface into separate and exclusive property? And how far may that right justly be extended?—It is contended by many respectable writers, among others, by Mr Locke, that, as nothing can be more peculiarly a man's own than the exertions of his own faculties, whether of ingenuity or of labor, when these exertions are employed upon a subject originally common. they equitably remove it out

of that primitive and unappropriated state, and constitute a property in the individual exclusive and indefeasible. And the property arising from this cause, is the more entire and complete in proportion as the labor and skill bestowed upon the subject form the greater part of its value in its new state : which is the case of cultivated soil, compared with natural rude and unappropriated forest or marsh. This reasoning appears sound and conclusive as far as the labor and ingenuity of man is actively employed, and as long as it continues to be exerted. But as it can extend only to a very narrow compass, and to a very short duration, it does not seem to afford a sufficient foundation for the rights of property in land to the extent in which they actually exist. We must search a little deeper, therefore, for the right of parcelling out the surface of the earth among separate and exclusive proprietors. There can be little doubt, from the wisdom and intelligence displayed in the general structure of the world, and from the peculiar attributes of human nature,

in separate property, under some form of division, as being infinitely better adapted for these ends than its original condition of community. For it may be received as a certain maxim, that the worst state in which the earth can exist, and the farthest removed from the apparent design of the Author of nature, is that of a common. It prevents the improvement of the soil, the multiplication of mankind, and the introduction and growth of almost all the arts which contribute to the accommodation of the life of man, and of the principles of science which expand the sphere of his knowledge.

The right of establishing separate and exclusive property, especially in land, must result from the utility of the institution. It contributes a thousand fold to increase the products of the soil in climates of moderate fertility and temperature, and, in the same proportion, to augment the numbers of the human species. All industry, either in collecting and nourishing herds of useful animals, or in cultivating the earth, must cease, when it is known that others may enter at pleasure, and enjoy in indolence the produce of your labors. It is only when property is certain, and its fruits are rendered secure to the proprietor, that he is encouraged, by every exertion, to improve its value and to multiply its produce. And the multiplication of the means of living contributes to multiply life itself. Thus the earth is made more effectually to con-

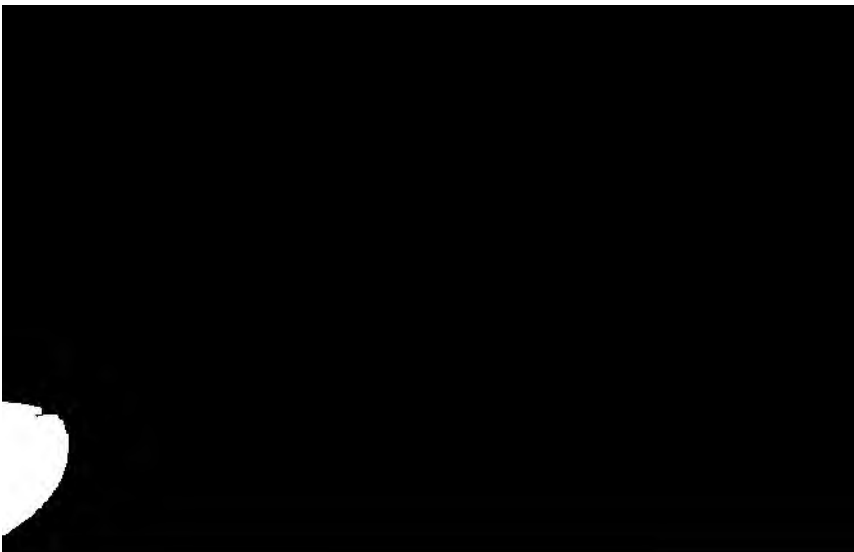
duce to the ends of its original destination. Without the institution of property hardly ever should we see even its natural fruits permitted to arrive at maturity. Agreeably to these reflections, wherever the primitive community of the soil, is suffered to subsist, as among the aboriginal inhabitants of America, the population is necessarily extremely sparse, and the beasts are found to multiply infinitely faster than the men.

The establishment of separate property, promotes, also, the tranquility of society ; and tends to the introduction and cultivation of all the useful and ornamental arts which contribute so greatly to the accommodation and embellishment of human life.

From every view, therefore, which we can take of the origin of property, and the grounds of its separate and exclusive appropriation, it is justified equally by the evident intention of divine providence ; and by its beneficial influence on the order, improvement, and happiness of

arises, whence is derived the title of each man to his particular share in the division? The earth, in its original state, like the ocean, was common. Each man had a right to use it, in order to procure from it his own subsistence ; but natural justice required that this right should be exercised so as not to interfere with the equal rights of others. Where every man was his own judge, and acted on his own impulse, this would necessarily be extremely difficult, and would afford occasion to innumerable controversies concerning the limits of their respective rights of range, and the priority of occupation of particular districts. After the inhabitants, therefore, should have become too numerous on a certain territory, to employ it according to their primitive and common rights without frequent and dangerous collisions, it would naturally occur to the prudent among them, as the most obvious means of remedying these evils, to agree to throw their general rights into a common fund to be divided among them individually, or by families, according to some principles of convenience. This important act might have been executed by common consent, or regulated according to the will of those who should have been vested by the general assembly with supreme authority for this purpose. In either case, that division of the land adopted by them, must have become the connecting principle of their government, and formed the basis of their civil constitution. The constitu-

tion, therefore, or fundamental law of the nation, is the sole foundation of the exclusive rights of property to the citizens, in their separate bounded portions of the soil. Imagined convenience, and the benefit of society, is commonly the original rule or measure which governs the law of the division. And the precise, and definite rights derived, in this manner, from the will of the society, or of the sovereign, in whom the society has vested all its powers, are substituted in the room of those primitive and common rights derived from nature which are only general and indefinite. Hence the tenure of landed property is various in different countries, according to the ideas of the people, or of their legislators. But, whatever the partition of the soil may have originally been, it usually becomes greatly changed in the course of time, in consequence of devises, contracts, and the infinite divisions and transfers of property which are continually taking place in society.



jeet. And, in the progress of society, the most common grounds of the transfer of property are devise, gift, or bargain and sale, all of which are usually considered under the general head of *contract*. To these means of acquiring property some writers have, perhaps incautiously, added *forfeiture*; because when an injury is committed, the guilty person is bound to make reparation, and thereby forfeits, or transfers to the injured what had before been his right. But this is only substituting one species of property in the room of another: unless we basely consider personal injuries, or wounded reputation, in some instances as subjects of barter, or sale. Forfeiture is, besides, so limited in its effect that hardly can it be justly regarded as one of the sources of property.

● OF OCCUPANCY.

The right of occupancy can take place with regard to such things only as before were common, and unappropriated, such as the air, the sea, or lands which have not yet been parcelled out among separate owners by express, or implied compact. In subjects of this nature, each man has a property in that portion which he holds in actual occupation; and no man can, without injury, deprive him of the free and unmolested use of it. But as it is impossible for one person to occupy the whole atmosphere, ocean, or forest, and as others possess equal rights with

himself, his privilege, or title of property becomes limited by natural justice, to what he is at present employing in actual use. But the laws of almost all governments, from some considerations of public utility, have concurred in the general principle of extending the rights of prior occupation beyond immediate possession and use, to what will be convenient for the purposes of society.

The principle of convenience has likewise been applied by independent nations, sometimes by implicit agreement, and sometimes by explicit compact, to regulate their respective rights of use, or property, in seas, rivers, bays, or certain districts of the ocean, and in newly discovered lands; which, without such convention, must have been subjected to the general principle, limiting rights to actual occupancy, and possession. •

OF LABOR.

Labor forms another, and still juster title to property.



Ingenuity and skill are his property, which he may employ, or dispose of for his own benefit. The work of his hands forms a title to property, if it is employed on a subject before unappropriated, or on an appropriated subject, with the consent of the owner. But if, without such consent, any labor be added to a subject belonging to another, it is lost to the laborer, inasmuch as it ought not to change the original propriety of a thing which has not been alienated. But, if it be of such a nature that it may be separated from the original subject, the author of the work has a right to remove it, and hold it for his own use. But, if no separation can be made without injury to the subject, the original proprietor must be suffered to enjoy the benefit of the whole. Any change in this rule can only be made with the consent of the proprietor.

Property which does not accrue from one or the other of the sources just mentioned, and is not the effect of devise or gift, is the consequence of contract or convention, the forms of which are generally prescribed in the laws of society.—It will be considered in the next lecture.

All property, except that resulting from prior occupation of unappropriated subjects, may be considered as founded in labor ; inasmuch as it is labor which gives the principal value to all things. Property derived from contract is only the exchange of one species of labor for

another ; and that which accrues from devise, or gift, is but the transfer, without an equivalent, of things which have been rendered valuable by the labor of others.

One of the first principles in the establishment of separate and individual property, was its inviolability ; which implies that the portion of each citizen should be sacred, and protected by the laws from the intrusion of every other person, without the consent of the proprietor. Yet, in this distribution, every society reserves to itself certain rights for the common good, which seem to limit this inviolability ; but only to enhance the value, and increase the security of that which remains. It retains the sovereign prerogative of laying out roads, of cutting canals, of establishing ferries and bridges across rivers for the public interest, and convenience. And in performing these acts, it may, by its sole authority, take the necessary proportion of the property of any private citizens, always, however, making reasonable compensation for what it



cial springs. On the same principle, it may claim a provisional right to useful inventions, or discoveries for the public benefit, paying to the original inventor, or discoverer an adequate and liberal reward. For, although it be acknowledged that he has a natural right to the full use, and fruits of his own talents, or good fortune ; yet, it is the power, and wealth of society which can render them of any value to him ; and it merits this acknowledgement.

Another exception to the inviolability of property may deserve to be mentioned, although it be in itself of small importance, from the rarity of the occasions on which it is called into exercise. It is well known to jurists under the head of the *rights of necessity*. They are such as from the extreme urgency of their claims cannot be delayed, yet, from the ambiguity of their circumstances cannot easily be designated with precision in any general law. It is necessary therefore that they be left to each man's reason and conscience to direct his conduct at the moment of action ; but, as they must afterwards be judged of at the tribunal of the public, they ought to be justified by the palpable extremity of the case. A man may put another, who assails his life, to death on the spot, without waiting the decision of a tribunal which would come too late for his protection. A man ready to starve with hunger or to perish with cold, may justifiably take the first food, clothing or shelter he can find. A house, the

demolition of which would stop the progress of a destructive flame, may, on the same ground, be torn down. As society was instituted for the greatest common benefit, individual interest in such cases, must give way to a greater good. In examples of the nature of the last, however, restitution to the particular sufferer ought, as far as possible, to be made by the community. But this restitution cannot be required to extend to the full value of the property destroyed ; only to its value estimated by a liberal appraisement in the imminent hazard in which it stood.

Such are the principles on which the distribution of property has been originally made in society. Its transfer, or exchange among citizens by contract, which in the end, so greatly varies its relations, will be considered in the following lecture.

LECTURE XXIII.

OF CONTRACT.

The nature of a contract, and the principles that should govern its formation—Of the distinction of contracts—Of testamentary devise—Of exceptions to contracts.—The obligation of truth considered under the head of contracts.—Of the forms necessary to authenticate contracts, and render them complete in law.—Of subscription—of seals—of oaths—of vows.—Of the rights of command.—Of police.

I HAVE already considered prior occupation, and personal labor, by which last is meant any exertion of our own talents, bodily or mental, as means of acquiring property. I come now to place before you the nature and conditions of *contracts*, which are the most ample source of the acquisition, transfer, and exchanges of property in society, and the subject of the greatest portion of her civil code. —A contract is a promise explicitly made either by words, or by signs, calculated and designed to excite an expectation of the performance of some service, or the transfer of some rights. An expectation thus excited, considering the necessity there is for this mutual confidence in society, reasonably creates a reliance on its fulfilment.

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filment as forming part of the expectant's estate. A fraudulent failure to fulfil it, therefore, is equivalent to purloining such a portion of his property.

A promise, when clearly and distinctly made, although it may not be attended with all the civil forms required by the laws of the state, is, however, equally obligatory on the conscience of a good man with a formal contract : but when invested with its legal forms, it becomes a ground of compulsory obligation. It is then converted into a species of property ; and the violation of it forms an injury which is justly punishable by the civil magistrate.

It is of importance that, on this subject, whether we contemplate it as moralists, or civilians, we frame precise and equitable principles for its regulation.

1. In the first place, contracts should regard only such things as are both possible, and lawful.—If the object of the contract is, at the time, impossible, and the impossi-



duty, honor, truth, are prior obligations on human nature. If the unlawfulness was not known at the time of entering into the contract, or if it arose afterwards, as in the engagement made by Herod to the daughter of Herodias, the knowledge of this fact immediately dissolves the obligation.

2. To render a contract perfect it is necessary that there be not only a promise on one side, but acceptance on the other. In a beneficent contract acceptance may commonly be presumed ; but the promise should be explicitly made to the beneficiary, otherwise it is no more than a simple resolution in the mind of a benefactor which can create no expectation, and may be retracted at pleasure. But in an onerous contract, where duties are to be performed on each side, there is required a mutual promise, and mutual acceptance.

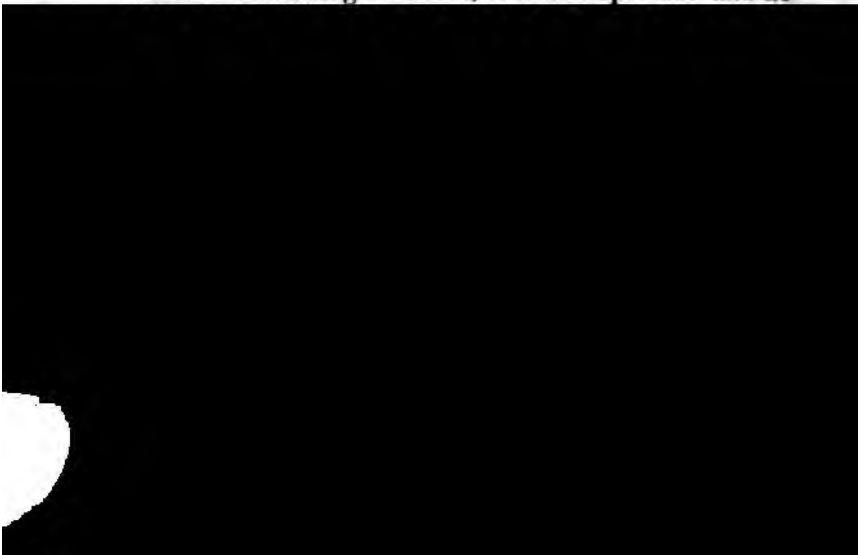
3. A contract may be made by signs as well as by words, if the signs are such as are calculated, and evidently intended, to excite the expectation of another that a certain service shall be performed, or a certain benefit conferred, such as raising the hand, or using any other appointed signal for testifying assent to the declared terms of any obligation.

4. A man may stipulate in his own person, or by an agent whom he has regularly authorized to act for him in

the case. He may be bound by the act of a servant in such affairs as servants are known usually to transact ; and, especially, in such affairs as he has been known repeatedly to commit to the management of a particular servant.

5. Custom, when generally received and known, may be a ground of obligation, or constitute a contract ; although, not formal and explicit, nevertheless, implied and real. A parent, for example, sending a child to a place of education, by that act, binds himself to comply with all the customary regulations of the institution as far as they immediately concern him. A great part of our conventions or compacts in society rest merely on the customs of the country.

6. As there may frequently exist some ambiguity in the expression of instruments of writing, which are not drawn with a particular and minute attention, to the order and meaning of words, it is an important and ne-



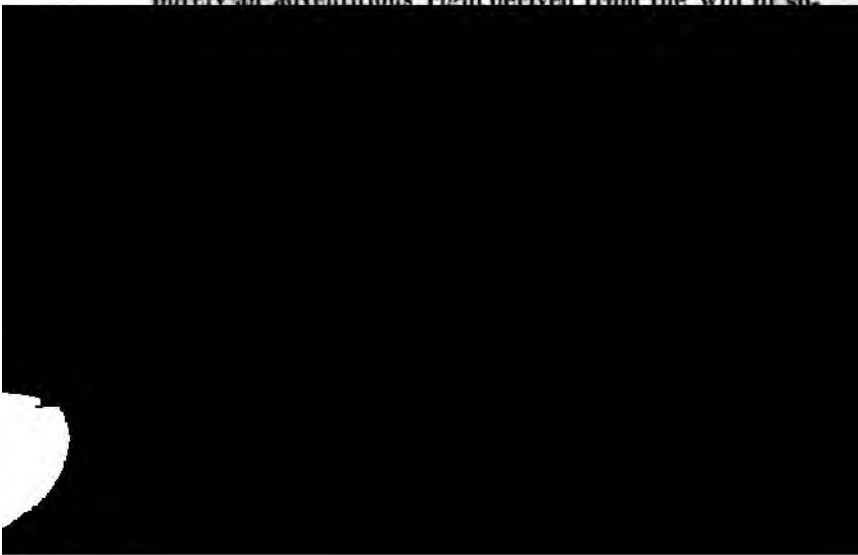
obligation, which is the expectation reasonably excited by them, or the reliance founded upon them ; whence it results, that no contract can justly be supposed to exist, or can be admitted in the civil laws of a country to have any force, which is entered into with a person insane, or with one who is under guardianship, or who, from any circumstances, cannot be supposed to have a free will of his own, or an independent right to execute its stipulations. In these cases, no just reliance can be supposed to be created, no reasonable expectation raised.

OF THE DISTINCTION OF CONTRACTS.

After the general rules which have been just stated on the subject of contracts, and their validity in law, or the equity of conscience, I proceed briefly to point out their several distinctions, or the heads under which they may be respectively arranged.

Contracts taken *generally*, may be divided into absolute or conditional, single, or reciprocal.—Conditional contracts are such as make the execution depend upon some condition to be performed by the person who is to receive the benefit,—on some action of another,—on some service to be rendered,—or some fortuitous event which is to take place hereafter. Absolute contracts are such as are expressed without any such limitation on the fulfilment of their stipulations.—Reciprocal contracts imply

obligations and promises of services to be performed, or rights to be transferred on each side, as in all contracts of bargain and sale.—Single contracts, on the other hand, which are sometimes called gratuitous, contain an obligation only on one side, of some favor to be bestowed, or some right to be transferred, which requires simply acceptance on the part of the obligee. Such is the deed of gift for some portion of his real property, which a man may bestow on his friend, or devote to public, or charitable uses, during his life.—Testamentary devise, however, is the principal example of this species of contract, both on account of the frequency of its occurrence, and the importance of the objects affected by it.—On this subject, a question has been proposed by civilians of no small importance in the philosophy of legislation; and that is, whether the power which a citizen enjoys of disposing of his property by testamentary devise, according to his pleasure, be a right resulting from the law of nature, or purely an adventitious right derived from the will of so-



centuries.—The following principle on that subject, is universally admitted, that the personal property which any man has acquired by his own industry, or fabricated by his own labor and skill, may, conformably to the law of nature, be disposed of in full property at his death, in any way which will most gratify his domestic affections, or friendly attachments. But, because the distribution of the land in separate propriety, and the whole system of *real estate*, is the operation only of social law, it is contended by many ingenious writers that the power which creates the property has the sole right to direct the transmission of it after the demise of each occupant. The death of the occupier, they suppose, returns the soil back to its primitive state of community, to be re-apportioned by the law of society. Examples of the exercise of this power often occur in the ages of feudal aristocracy in Europe. The same end may be accomplished by instituting a certain line of descent for landed property, independent of the particular will of the last owner. As we see exemplified in the absurd rule established in England for the succession of real estate in the ruder ages of that kingdom; and which can, even now, be corrected only by regular testamentary devise, which, within a short period, has been introduced for the remedy of this evil.*

* Such as that parents can in no case inherit even if the estate should be lost for want of an heir. That the remotest rela-

Another and more humane example we have in the rule of the Roman law for the distribution of the personal property of intestates.*

Although it is true that real estate rests upon a different footing from personal property, and is wholly the consequence of the will, and the peculiar organization of civil society, yet, according to the distribution, and species of tenure of landed property which has been established in any country, I am unwilling to believe that the testamentary control over these adventitious rights, ought to be in any degree more restricted, or less full and absolute, than over the natural rights which each man possesses to the labor of his own hands. Civil society, like the providence of nature, should make the rights which it confers perfect. So that, although natural and adventitious rights differ in the sources from which they are derived, there should be no difference in the powers which they bestow. This is necessary, equally, for the happi-



ness of the citizens, and the encouragement of industry, that, after the cares, the expense, or toil they have bestowed in the acquisition of their property, they may be able at last to gratify the fondest affections of their hearts in the dispositions which they make of it. This principle is recognized in the civil laws of our own country, in the arrangements which they have made for the distribution of the property of those who are either so negligent, or so unfortunate as to die intestate: they have endeavored to consult, as far as possible, the general affections of human nature upon that subject. Notwithstanding this general and salutary provision of law, however, most men will have some particular wishes with regard to their affairs which cannot be embraced in any common regulation. For these ends, every citizen has it in his power perfectly to provide by his own testamentary arrangements.—On the question, therefore, which gave rise to these reflections, I conclude, that all that species of property which is stiled real estate, is the effect purely of the conventions of society. In a state of nature it could not exist. But, when those rights have been incorporated into the very constitution of the republic, and identified with the person of the proprietor, then the power of transmitting them by testamentary devise, or in any other way of transferring them under the restrictions and limitations under which they have been originally created, is a re-

sult of natural law, by which any man may transfer, according to his own inclination, rights of which he is fully possessed. The last will and testament of a free citizen, therefore, forms a gratuitous contract of the highest authority and importance.

Contracts may be farther subdivided, and distinguished into contracts of sale,—contracts of hazard, such as that useful one of insurance, or that dangerous one of gaming—contracts of service—of commissions—of partnership—of lending money upon interest; concerning all which there are many legal provisions established, and there have existed many moral disquisitions, which it would be tedious, and unnecessary to detail in this period of your studies. They are left to your future experience, and intercourse with the world.

OF EXCEPTIONS TO CONTRACTS.

There are four just exceptions to the validity of con-



permitted to receive a benefit ; and in the next place, because there can be no just expectation raised in the party who employs the artifice, that the other will fulfil a promise so insidiously obtained, when the imposition shall be discovered.

Unjust force, which, in like manner, invalidates a contract, consists in any violence, or menace employed by a person, who is not invested with any adequate civil authority for the purpose, to extort from another a promise of advantage. A contract obtained by such unjustifiable means is void for the same reasons which invalidate fraud. Force is an injury, and never can excite any reasonable expectation of fulfilment, as soon as the duress is removed.

The laws, however, may in certain cases, compel one citizen to enter into an equitable contract with another, by the agency of the public magistrate, and these compulsory stipulations shall notwithstanding be binding upon the coerced party. The exception of force, does not annul the conventions of independent nations ; for, between them, contracts must be held to be obligatory, for the sake of the peace of the world, although extorted by force, or by fear ; unless the oppression be so extreme as palpably to justify resistance, in the general opinion of mankind, as soon as the weaker power shall have acquired sufficient strength to break her ties.

OF THE OBLIGATION OF TRUTH.

Under the head of contracts it has been usual to consider the obligation of truth in narration and discourse in general, as well as in the more particular circumstance of explicit promises. The question is introduced in this place, on the principle which has been laid down by many writers, that all speech implies, in its nature, an indirect contract with those whom we address, that we will utter nothing but truth. There is, however, no need of this fiction to establish its obligation. It rests upon the same foundation, with the obligation of contracts themselves ; that is, the sentiments of human nature,—and the interests and happiness of society. No man can utter a deliberate falsehood without some compunction of heart, some feeling of shame and self-reproach. And, certainly, if men could not rely on the veracity of each other in the common intercourse as well as the more solemn transactions of life, and were not even impelled to yield this confidence



tical importance—the first is, wherein the essence of a lie consists? And the second, whether there can arise any occasion which may justify a departure from the truth? —To the first of these enquiries I answer with the greater part of moral writers, that a lie is any departure in words from the reality of things, made with an intention to deceive.—It is any equivocation, likewise, in which a sentence is intentionally so constructed that the literal and grammatical meaning shall vary from the customary and popular sense of the same words; or, from that sense of them in which it is known, and intended that they shall be taken.—It is further, any action which, from the common relation established between actions and designs, is calculated to mislead; as in that villainous decoy which has sometimes been practised by armed vessels at sea, hanging out signals of distress to allure defenceless merchant ships within their power.—Or, finally, it is any omission of a material circumstance in a narrative, where we profess to relate, and others have a right to be informed of, the whole truth.—From these definitions it results that the essence of a lie lies in the intention to deceive. Where no deception, therefore, is designed, or expected to be operated, as in parables, fables, or customary compliments, or in the common practice of a prisoner at the bar pleading *not guilty*, no falsehood is ever imputed.

denied by a servant maid who had been instructed to say he was not at home. Ennius, in his turn, went to pay his compliments to the senator, who called out to his servant as the poet was entering, Tell him that I am not at home.—What! says Ennius, when I hear your voice within there?—Very high indeed! replied Scipio. The other day, I believed your maid, when she told me you were abroad; and now, forsooth, you won't believe me myself.

A general rule has been laid down upon this subject by some eminent writers, and, among others, by Dr Paley, with a great appearance of equity;—that, as the virtue, or the vice of actions depends, in a great measure, upon the utility, or the injury of their consequences, whenever the benefit of the immediate consequence of a departure from truth, as the rescuing of an innocent life from the fury, or iniquity of an assassin, or robber, evidently, and greatly exceeds the remote consequences of the example, in such cases, but in no others, can it be justified. The application of this rule to individual instances can hardly be made with precision in any regulations of law. It must be left to each man's moral feelings, and to his sense of accountability to his Supreme Judge.

Some persons possess a constitutional and unhappy tendency to an excessive indulgence of fancy in their narra-

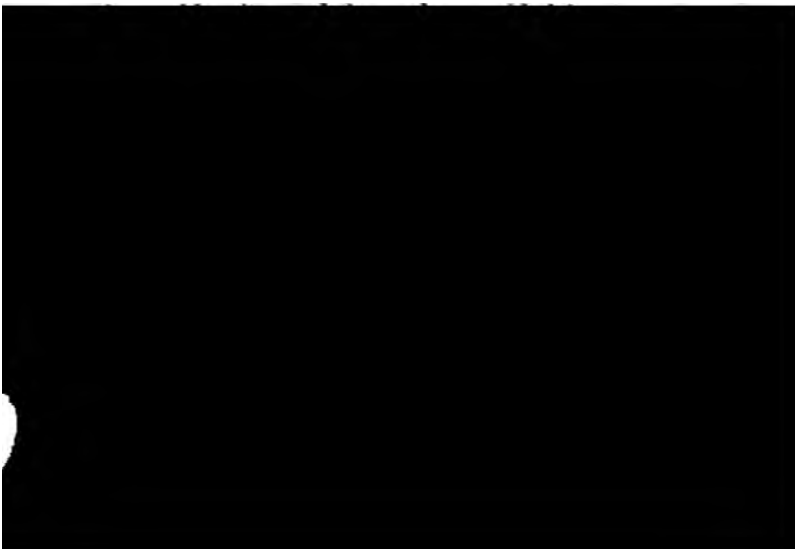
return again directly to the subject of *contract*, and to the means of *authenticating* it, and rendering it *complete*.

I have said before, that any signs, or expressions by which we communicate an intention, and lead others to depend upon its accomplishment, so that any injury or painful disappointment would result from failing to fulfil it, is a *contract* binding in conscience. But to render it complete, certain forms are necessary in each country, according to the prescription of its laws, for giving to the instrument more perfect authenticity. If it is merely a verbal contract, it is requisite that the words in which it is expressed be clear and precise in their meaning, and that they be confirmed by the testimony of one, or more competent witnesses.—If it be a written covenant it must be authenticated by the customary signature of the contracting party, or parties. Besides the signature, there is usually required the testimony of one, two, and sometimes of three subscribing witnesses. By the civil, or Roman law, two witnesses at least, are required to substantiate, or prove a contract. But by the common law of England, which is generally received in the legal proceedings of the United States, one witness is sufficient; except, in some instances, whercin, by express statute, more are required. The statute of frauds, for example, requires that the devise of lands should be attested by three subscribing witnesses. And, in a few cases, the precautions of the

civil law are adopted by the common law ; as in the rules concerning the distribution of the estates of intestates,— and in maritime causes, in which two witnesses are made necessary. The same rule is adopted in America in those courts which have been substituted in the room of the spiritual courts in England.*

The law, by an ancient custom, demands, as an additional security, the seals of the contracting parties. A seal is, generally, some sign, or symbol engraved upon stone or metal, and impressed upon wax, or wafer, intended, in some way, to designate the person, or community by whom it is used. Before the use of writing became common, they, probably, served instead of the signature of the name, as those marks at present do which are added by persons, who cannot write, to their names written by another.

The name was written by a *clerus* or clerk, that is, a *learned man*, as, in those days, they were esteemed to be



As seals, by the commonness of their use, among the lowest as well as the highest classes of citizens, have lost in a great measure, their distinguishing character, and those appropriate emblems, such as coats of arms, or peculiar devices, by which families, offices, or individuals were designated, are but rarely employed, it has been allowed that any impression made with any instrument, provided it be made on wax or wafer, shall serve the purpose of a seal. A seal, in its present form is certainly not requisite to the validity of a contract on any principles of reason; it is still required however by statute in all cases of *specialties*, as they are called, through deference to ancient custom, for which the law has always, and perhaps justly, been remarkable. This annexation is now made not merely for the purpose of more precisely designating the person of the contracting party, but carries in it a kind of hieroglyphic signification, implying, that, as those things which are closed, finished, and bound up, are, for greater security, usually sealed, so the persons, engaged in this contract which is finished and closed, are hereby bound, and solemnly pledged for its faithful fulfilment.

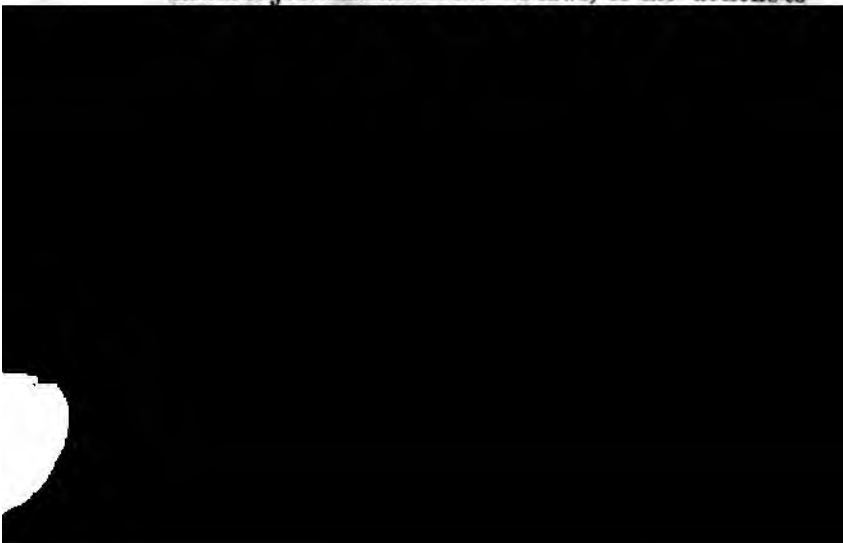
In ancient ages, oaths were much employed in the ratification of contracts. They are a solemn appeal to God for the sincerity of our purpose, involving an imprecation of his judgments on any fraudulent failure in our agreements. They were frequently accompanied with other

ment ; and shall conclude this lecture with a few observations on the subject

OF POLICE,

which consists in the limitation and direction of men in the use of their respective rights in society, so that the exercise of the rights belonging to one citizen, shall not impede or interfere with those belonging to any other. It relates to the manner in which the arts may be practised,—to the conveniences of travelling, and passing and re-passing along the streets and public ways,—to the order of markets,—to the times and manner of holding all assemblies of the people,—to the conveyance of intelligence,—to the regulations for the convenient management of all commercial business. And in this last subject, the laws of police have their principal operation and effect. The details of police are very multifarious, and in their minute arrangements can be learned only by experience.

As the objects of this class of laws, or the actions to



body of citizens ; and the vigilance of the magistrate should supply what is wanting to their exact and faithful execution in the strength of the general sentiment of right and wrong as it respects the obligation of these laws.

LECTURE XXIV.

OF THE DEFENCE OF CIVIL RIGHTS.

CONTENTS.

The means of defending men's rights in society—Of preventing wrongs by the general influence of education—by the protection and encouragement of religion—Of the means of repelling, or repairing wrongs ;—in a state of nature—in a state of civil society—Of the constitution of the civil tribunals—Of the separation of the judiciary from the executive, and legislative power—Of the independence of the judges secured by the permanency of their appointment to office, and by the ampleness and security of their provision—Their appointment being made by the executive—their removal should depend on the legislative, in consequence only of malversation in

courts—of juries to co-operate with the judges, thereby uniting, in the constitution of the tribunals, the best provision for impartiality and wisdom.—Of the power to remove trials during the prevalence of violent party passions.

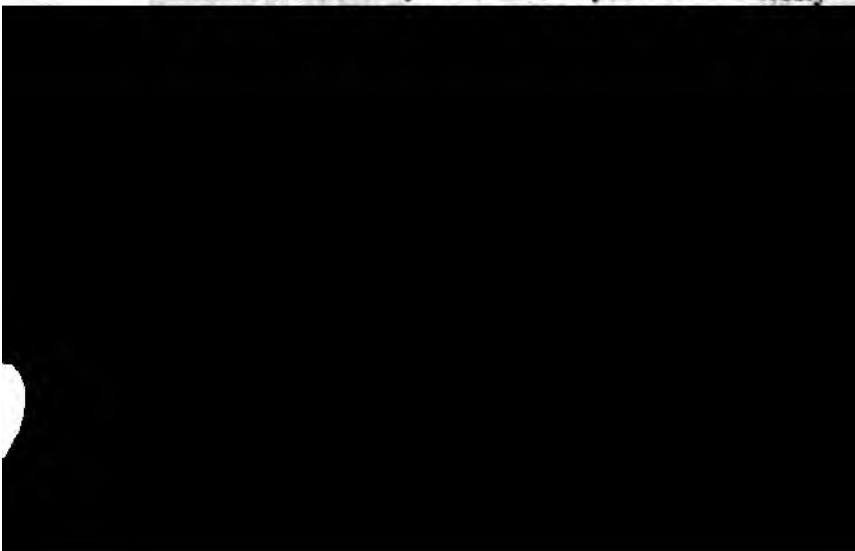
THE second part of jurisprudence relates to the means of defending those rights which nature, or the laws of society, have bestowed on the citizen. They consist in preventing, in repelling, or in repairing wrongs. These ends, which are among the most important in civil society, can be effectually accomplished only by a wise legislation, and a prompt and faithful administration of the laws. The prevention of crimes may generally be attempted with the most favorable hopes of success by providing for the good education of the citizens,—by protecting and encouraging religion,—and by the salutary example of the public justice.

Wrongs should be repelled or repaired by an impartial administration of wise and just laws,—by obliging the citizens to fulfil their contracts,—and by arresting meditated and punishing actual crimes.

OF PREVENTING CRIMES.

For promoting the tranquility, order, and happiness of society, no provision can be more effectual than imparting

the means of instruction to every class of the people, particularly with regard to their moral, and social duties, and the method of transacting all their ordinary affairs with promptness and intelligence. That degree of knowledge which, in a free country, may be imparted, by a prudent legislation, to the poorest orders of the citizens, contributes to exalt the moral feeling of the public, and heightens the love of order, and abhorrence of crimes. And by an honorable provision for cultivating the higher branches of science, there will always be prepared a most useful class capable of directing with wisdom and prudence the operations of government. And although they should never be called to bear an immediate part in the active labors of legislation, or the administration of the laws, they will serve as so many fountains of light distributed through society, to shed the irradiations of moral and political truth among the people, and with them, the love of virtue and of order. The rays, it is true, may often strike feebly



couragement given to religion. Religious knowledge tends to civilize the mind, and religious fear often holds a powerful control over the violent passions of the most vicious of mankind. To the influence of religion have all wise legislators in antiquity resorted, to lay the foundations of society most securely, and to promote its civilization. The rites with which the people continually approached its altars, impressed the public mind with a salutary reverence for those divine powers which were believed to preside over the world, and were the avengers of crimes. The christian religion adds principle to ceremony, and instruction to the rites of devotion, and seizes on the soul by the double power of religious illumination, and religious awe. As we possess, however, a public and generally acknowledged code of religious doctrine which every man is able to interpret for himself, it is, perhaps, not desirable that any peculiar exposition of it should be prescribed by the authority of the civil government. Every citizen should be permitted to use, and sacredly protected in using, his own right of opinion, and in the privilege of associating with any others of corresponding sentiments, for offering their common devotions to the Deity. A sentiment of religion is deeply implanted in human nature ; and it is justly to be expected that each man will be as solicitous to preserve the privilege of expressing it according to his own understanding, or the dictates of his own heart,

as the government can be to enjoin it. By trusting to individual feeling and opinion, there can be no danger that religion, so necessary to the existence, so useful to the ultimate improvement of civil society, should perish. The variety of sects will even be useful by their mutual emulation, to preserve alive that pious zeal and that vigilant moral discipline over their internal manners, which will, in the best manner, aid the public virtue in the great mass of society. With the temporary follies of enthusiasm which will sometimes spring up amidst an unenlightened populace, the government has no concern. They turn the mind to religious reflection, and, if not intemperately opposed, they always subside, in time, into some more sober and useful form of religion connected with regular morals. The encouragement, therefore, which good policy requires the civil government to extend to this subject, is to protect every man in the sacred rights of religious opinion, and every denomination in the forms of its own worship, and its internal discipline over its own mem-



OF REPELLING, AND REPAIRING WRONGS.

Having considered the general means of preventing crimes, and introducing peace and order into society, as far as it may be expected in this imperfect state of human nature ; permit me next to observe, that the object of its laws, when crimes, or wrongs do actually exist, embraces the means of repelling, or repairing them.

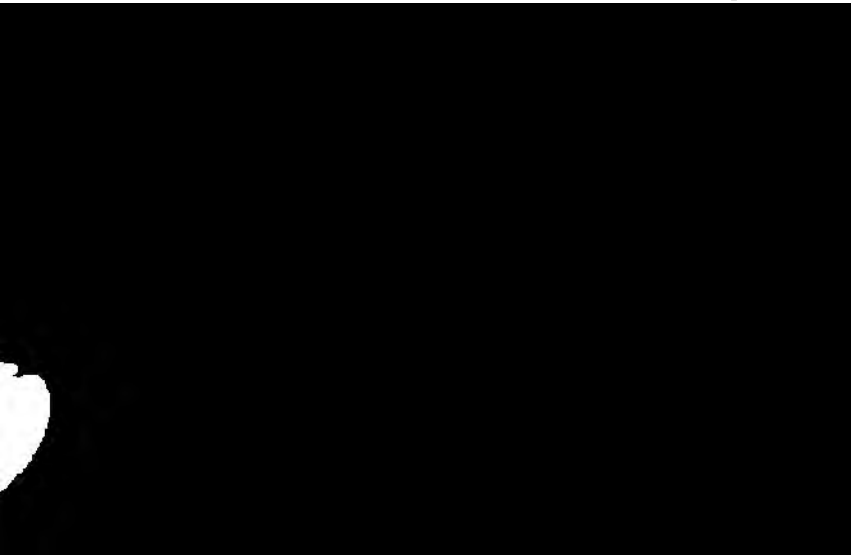
When men are unconnected with one another by any civil or political tie, a condition which is usually denominated a *state of nature*, they may, with their own hands, repel or punish the wrongs offered, or inflicted, by the injustice of others. But, in a regular state of civil society, individuals have given up the right of avenging themselves to the power of the magistrate, and to the tribunals established for that purpose ; except only, in those cases in which it is impossible, from the suddenness and emergency of the case, to interpose the aid of the civil power to prevent an injury ; or where the relief afforded by the law is so palpably and totally inadequate to the wrong that is likely to be endured, that all the world will justify the act—then a man is permitted to defend himself.

On this branch of jurisprudence, therefore, which respects the defence of the rights of the citizen, we are to attend chiefly to the constitution of the tribunals for the administration of the laws,—to the principles by which

these tribunals should govern themselves in pronouncing their decrees,—to the evidence of crimes,—the design, the proportion, and the nature of punishments.

OF THE CONSTITUTION OF THE TRIBUNALS.

The first maxim in the constitution of the tribunals is, that the judiciary power should be separated in its exercise, from the executive, and legislative, as far as the necessary union, and harmony of movement in all the departments of government will permit. The union of all these functions in an individual ruler, or in a single body of men, necessarily constitutes a *despotism* ; which is commonly the more violent in its operations in proportion as the numbers of that body are increased, a principle which we have seen terribly exemplified in the late national assembly of France. The union of the judiciary power with either of the others, produces a formidable approach to tyranny. Connected with the executive, it would afford a dangerous opportunity to a capricious or designing chief



diary functions with the legislative would be still more unfavorable to the administration of justice, and the security of the citizen. There would be no uniformity in the law, and, therefore, no clear and permanent rule of conduct for the people ; because every decree in judgment would be equivalent to a new law, or, if it were necessary to give more formality to the precedent, it would be only requisite to sanction it by a law. The public code would be continually changing with the various cases which should come for their determination, before the judges who would also be the legislators. It could hardly be expected of human nature that they should not along with their decrees often mix their own prejudices, and passions. Having all powers, they would be under no control. Legal decisions, would, in many cases, be unavoidably affected by the partialities of the judges ; and would too often, suffer a sinister influence from the predominant factions which should, at any time, exist in the state. A door would thus be opened to endless litigation, and to the most iniquitous perversions of equity—and the people would learn to fear, not the impartial and inflexible majesty of the laws, but the prepossessions, the caprice, or venality of the judge.

But when that distinction, which political wisdom has pointed out, between the respective departments, is faithfully preserved, and the legislature enacts the law, which

judicial skill interprets, and applies to its proper object, there is infinitely greater probability, that the application will be made with impartiality and justice. The law must then be framed under the view of general circumstances, and not under the bias of particular prepossessions, or the party attachments of the moment. The general principles of equity must prevail in the law, as far as they are understood by the legislators, when it is framed without any reference to the peculiar interests of individuals; and the same reason must remove from the interpretation of it all the biasses of enmity, or friendship. For the judges being amenable to public opinion, and to the legislature, who will naturally be tenacious of the right exposition of their own decrees, must interpret it strictly according to its letter. As they have no power to frame, they have no privilege to modify the law. This restriction is a necessary result of the separation of the judicial from the legislative power. And although it is true that the rigorous confinement of the judge to the letter



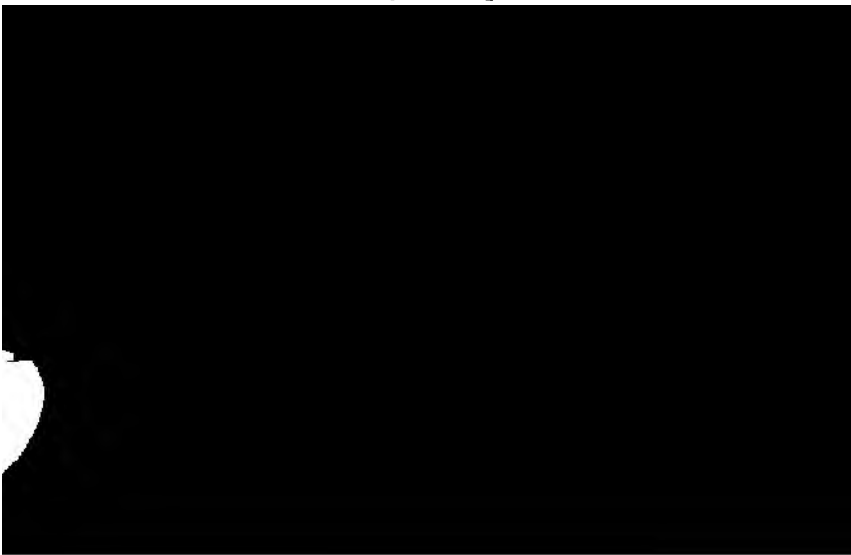
of justice which would be constituting him legislator as well as judge. When the law is fixed, the citizens may, at least, understand their duty, and conform themselves to its prescriptions. Having a known, and uniform rule before them, they have it in their power accordingly to regulate their conduct, and take care of their own interests. No citizen will have reason to fear the tyranny of office, or the injustice of passion. The same protection, and defence is equally extended to all.

Another political principle of the highest importance in the constitution of the civil tribunals of a free state is, that, not only should the actual exercise of the judicial functions be distinct from those of the executive, and legislative, but, that all temptation to an undue subserviency to the one, or the other, may be removed from the judges, provision should be made in the constitution, as far as possible, for their complete independence upon both. Being appointed to be the incorruptible interpreters of the law, it would be improper that they should be exposed to any bias in their decisions, such as dependence on either of those bodies would naturally tend to induce. One of the first requisites in order to secure that unbiassed freedom of mind which the important duties of their department require, will be found in their permanent tenure of office. When a judge feels himself secure in his station,

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whatever primary sentiments of gratitude, towards a prince, or executive magistrate, for his appointment, may influence him, he speedily perceives his mind erect, and intent upon his own respectability in his office, which can be acquired only by a virtuous and dignified discharge of its functions. In a republic like ours, in which the men who hold the executive, and legislative departments of the state are frequently changed by the public suffrages, this independence of mind is the more speedily attained ; which would be greatly impaired, or totally destroyed, if his continuance in the office of judge depended on the will of the temporary faction in power.—As an additional provision in favor of justice, the permanency of his judicial station should depend only on one condition ; fidelity in the execution of its duties, which, to the virtue and the talents that a judge ought to possess, will ever place *his* honors, and emoluments in perfect security.

It is a question of great importance, and of some diffi-



case also, be subject to the worst of all influence, that of the predominant parties, or passions, which might at any time agitate the state. Perhaps the wisest policy in a balanced government, like that of the United States, is to make their appointment depend on the executive department, and their removal, on the application of the representatives of the people, grounded on evidence, before a competent tribunal, of their malversation in office. The judges would never feel themselves secure, if their removal depended on a mere act of the legislature. There are frequently seasons, when acts of that kind can be pushed through such an assembly by the force of faction, or by a popular prejudice which may be artfully raised against the wisest and most upright men. But when the charges against them, as is wisely ordained in our civil constitution, must be submitted to a judicial investigation before the highest tribunal of the nation,* it is scarcely possible that an upright judge should be overborne by calumny, or faction ; and he may securely rest in the consciousness of his own virtue. The judiciary department, therefore, having equal reason, by their appointment on the one hand, and their apprehensions of a removal from office on the other, to respect both the executive, and legislative branches of government, they will be exempted from an undue influence from either.

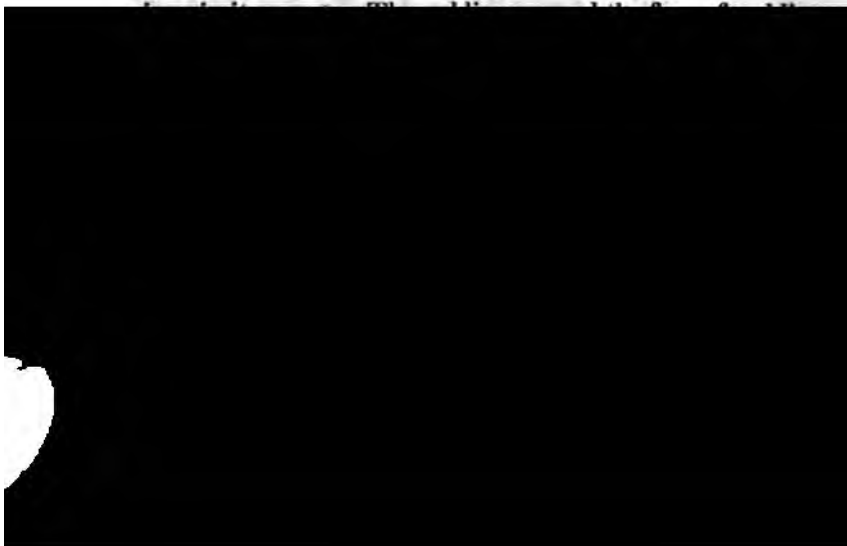
* The senate of the United States.

ampleness of its provision ; that no suspicion may exist of corruption ; that men of the highest talents may be invited to the bench of justice ; and the tribunal of the laws be invested at once with the majesty of wisdom, and the sacredness of unsuspected integrity. A small tax this, which the public pays for the preservation of the rights of the citizens, the purity of the fountains of justice, and the tranquil and secure state of property, and industry.

Another political maxim which has been established by experience, as well as by reason, is, that, in a free government, the members which compose the supreme judiciary body of the state ought not to consist of a large number. Numerous bodies are seldom capable of the slow and patient investigations which liberty demands. They are liable, besides, to be influenced by the popular passions which may, at any time, agitate the public mind. And there is undoubtedly a defect in the constitution of the department for the administration of justice, in which the responsibility of the judge ought to be of the highest grade, when this salutary check on human frailty is greatly lessened by dividing that responsibility among large numbers. This maxim, so useful and necessary in governments in which the highest degree of liberty exists, ought to be reversed in absolute monarchies which are not tempered by a proper mixture of republican restraints. Here the supreme depositary of the laws ought to be nu-

merous. The influence of a monarch over a large assembly is less than over a very small body. The ardor of popular passions, and even some degree of faction, may be useful in such an assembly, to prevent too great servility to power. Of this the parliament of Paris, before the late revolution, often exhibited striking examples, in the independence of their spirit, and their resistance to the arbitrary views of the monarch. In a despotic government the head of the judiciary should always be invested with the supreme offices of religion. It is necessary by the supposed divinity of his functions, to overawe the despot himself. In such states, the Sultan, or the Schah may trample on the liberties, and sport with the lives of his subjects ; but it is always dangerous to touch religion, or, with a profane hand, to insult the sacredness of its ministers.

The purity of the administration of justice, in the next place, is greatly assisted by the publicity of all proceed-

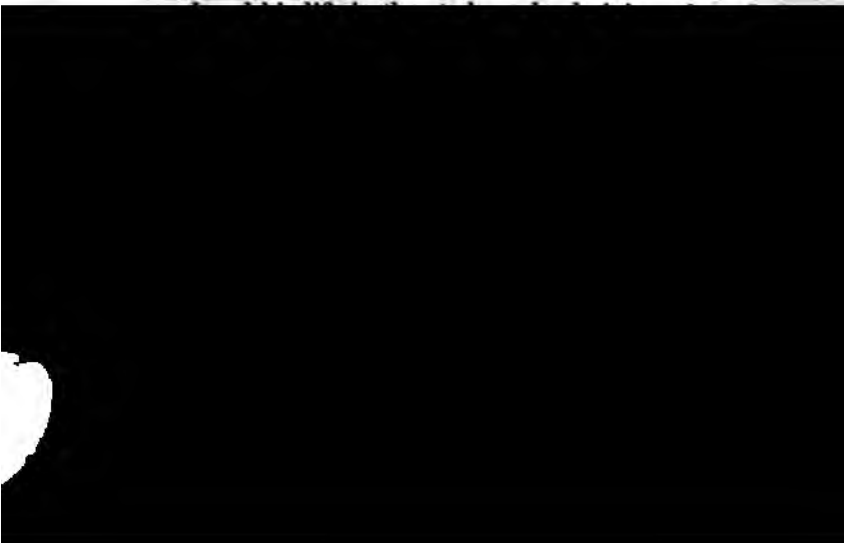


portant security for the faithful application of the law to its proper ends, the correction of wrongs, and an efficacious protection of the civil rights of the citizens.

In the judiciary system in states of considerable extent, it is generally necessary for the more convenient administration of justice, to establish various courts of concurrent, or co-ordinate jurisdiction. In all such cases, it is absolutely requisite, on principles of the soundest juridical policy, that there be constituted one supreme tribunal to which appeals may be brought from the courts below, if any probable cause exist of doubt, or error in their decisions. Unless these various courts were ultimately united in one head possessing a sufficient control over their adjudications, they might establish different rules of proceeding, and different interpretations of the law within their respective departments; and two causes, similarly circumstanced, might receive opposite determinations as they should come for adjudication before one court, or another. Such collisions would unavoidably introduce confusion into the jurisprudence of the country, injurious to the rights, and the peace of the citizens. The inconsistency, and opposition of rights and claims, which would naturally result from such a system, will be restrained, or corrected by the establishment of a superior, and controlling authority, always consistent with itself in its decrees, which will, in time, produce a uniform rule

of decision in all the rest. A supreme court is requisite, likewise, to confine the jurisdiction of the other, and co-ordinate tribunals within their proper limits. That love of power, which is so congenial to human nature, and the confidence of each in its own superior wisdom, would prompt the respective courts to enlarge their separate jurisdictions, and thus produce uncertainty in the rights and tenure of property ; unless one supreme power be admitted which shall have authority to compose every controversy.

Circuit, or itinerary courts, appointed for different districts of an extended state, in which the different members of the supreme judicatory should be required respectively to preside, would relieve many of the difficulties, or dangers attending co-ordinate and independent courts, at once, by bringing justice near to the doors of the citizens, and saving the necessity, or temptation of expense, delay, and uncertainty by frequent appeals. The judge, having



system of law would pervade every part of the political body.

The next consideration in the constitution of the tribunals that should engage our attention, is the means of uniting, as far as is practicable to human imperfection, a perfect knowledge and interpretation of the law, with the most fair and impartial application of it to each case as it may be varied by its attending facts and circumstances. This union, was attempted in the Roman jurisprudence by combining the judices along with the prætor in the formation of their courts of justice, and in that of Great-Britain, and the United States of America, by using the assistance of the jury along with the judge who presides upon the bench. In the judges, or presidents of the tribunals, provision is supposed to be made for the perfect knowledge of the laws, and a profound acquaintance with the whole science of jurisprudence. But, as they must possess the ordinary passions, prepossessions, and foibles of men, enjoying, as they do, a fixed official station, these foibles, whatever they are, must be generally known, so that, if the dispensation of justice were deposited wholly in their hands, they would, almost necessarily, be exposed to the continual solicitations of parties, and to every kind of artful intrigue, or interested address; against which it is not easy for human nature to preserve a firm and unbiassed

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impartiality. The jury, who are, in some measure, assessors with the judge, and are selected on the spot, and wholly for the occasion, may reasonably be supposed to be free from this kind of influence, and to possess that indifference to the cause, and parties at the bar, which will be peculiarly favorable to the fairness of their decision ; especially, as their verdict respects only the facts on which the sentence of the law is founded, and to which their judgments, uninstructed in legal science, are perfectly competent.* Men, chosen only for the occasion, will most probably be exempted from the influence of intrigue, and from all the prepossessions which would often assail, and

* The jury, which enters into the constitution of our civil tribunals, is by its peculiar office, appointed to determine only on matters of fact. The judges decide on all points of law. Yet a *general verdict* of *guilty*, or not *guilty*, pronounced by the jury, often involves a mixed proposition of *law* and *fact*, and the jury, of course, assumes the prerogative of pronouncing on the whole. But they are directed as to the law by the court. Sometimes, indeed, instigated by some headstrong member, they presume



might sometimes be able to reach the integrity of the permanent judges.

Juries are attended with another advantage to the community ; that, selected immediately from the body of the people, and possessing their sentiments and feelings, they will naturally prove the most upright guardians of their rights and liberties ; equally concerned to defend the innocent, because they may themselves be exposed to unjust accusation, and to punish the guilty for the sake of general order. Although they are not supposed to be learned in the law, they are capable of understanding its rules as they are expounded from the bench, and of perceiving their application to the facts before them. To unite the highest wisdom of jurisprudence with the most unbiassed integrity in judging, no institution has hitherto been devised in civil society which contributes so certainly as such a constitution of the tribunals.*

The present article I conclude with the judicious remark of Dr Paley. " This admirable contrivance, unites

* A maxim, however, of the greatest importance to be observed, if there are different orders of citizens in a state, is, that the jury should always be of the peers, or of the same rank in society with the accused. Without a strict observance of this condition, there would often be reason to fear the want of an impartial distribution of justice. The accused would consider himself in the hands of his enemies.

“ the wisdom of a fixed, with the integrity of a casual
 “ judicature, and avoids, in a great measure, the inconve-
 “ niences of both. The judge imparts to the jury, the ben-
 “ efit of his erudition and experience ; the jury, by their
 “ disinterestedness, check any corrupt partialities which
 “ previous application may have produced in the judge.
 “ If the determination were left to the judge, the party
 “ might suffer under the superior interest of his adversa-
 “ ry : if it were left to the uninstructed jury, his rights
 “ would be in still greater danger from the ignorance of
 “ those who were to decide upon them. The present wise
 “ admixture of chance and choice in the constitution of the
 “ court, in which his cause is tried, guards him equally
 “ against the fear of injury from either of these causes.”*

To one danger juries are sometimes exposed from the
 natural sympathy of mankind with their sect in religion,
 their party in politics, or whatever principle of union with
 a particular class in society, creates a distinction between
 them and their fellow citizens. When the parties are



obviated by a power, properly lodged, to remove the trial of a different county, or district of the state, in which the same parties, and prejudices are not found to exist.

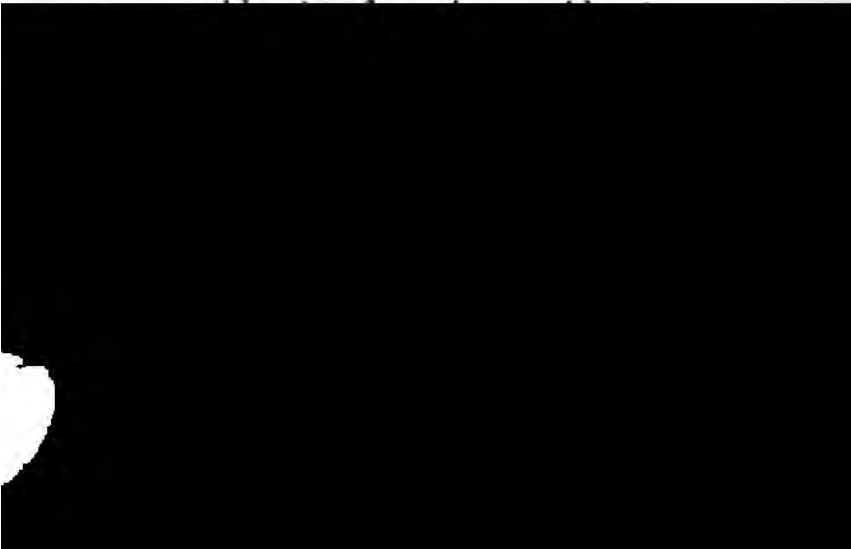
Finally, to render the constitution of the court, and the defence of the people's rights complete, it is an important privilege which should be permitted to every party, to employ as counsel, in maintaining their cause, and explaining for them all the laws which have any bearing upon it, the assistance of men, who have, by time, and study, made themselves thoroughly acquainted with these voluminous guards of the public liberty.

LECTURE XXV.

GENERAL PRINCIPLES BY WHICH THE TRIBUNALS OUGHT
TO BE GOVERNED IN PRONOUNCING THEIR DECREES—
AND OF CRIMINAL JURISPRUDENCE.

CONTENTS.

Rules by which the courts should be governed in interpreting the laws, and pronouncing their decrees—of precedents and law reports—of the use of analogies in explaining and applying the law—of the simplicity of the rules of morality—and the multiplicity of civil laws—of the unanimity of the jury—of courts of equity—of criminal jurisprudence—of the evidence of crimes—of the design of punishment in civil society—of the proportion of punishments—of the nature of punishments—of the multiplicity of capital punishments—of the ends of



The great and comprehensive principle, indeed, which embraces and penetrates the whole, is that, in interpreting each law, the court should rigidly adhere to its spirit and meaning, as far as, by its obvious expression, with other accompanying circumstances, it can be clearly ascertained; or, which is the same thing, as far as the will and intention of the legislator in enacting it can be known.—The following rules on this subject have been prudently adopted in the courts of England, and America.

1. To construe the law according to the plain meaning of the words in which it is expressed, giving to those words their common, and received signification.

2. When the language of the law happens not to be precise, but is of equivocal signification, then, in order to discover the intention of the legislator, the law is to be consulted as it stood before this act was framed,—the evil, or defect proposed to be remedied by it is to be examined, and such construction given to the whole, as will most effectually reach this remedy. The title and preamble of the law often point to its meaning, and are very properly resorted to in order to explain its enacting clause.

3. When once a judicial determination on the meaning and extent of a statute has taken place, it then forms a precedent by which all future decisions on the same or similar points will be, in a great measure, directed. When

such adjudication has been made, although it be not on the very law in question ; yet if it be on the meaning and extent of the same, or similar expressions in other statutes, it is to be regarded as a good rule to guide the courts in their interpretation.

These principles are requisite to restrain the caprices or partialities that may exist in the minds of the judges towards the parties at the bar, or with respect to the question litigated before them. They are no less requisite to prevent the variableness, and uncertainty which would be introduced into the law of the land if each judge, in pronouncing his decrees, were left to be governed merely by his own, perhaps prejudiced, sense of what is just and equitable, in each case which is presented for his decision.

It is true, no human foresight can anticipate all the cases which may arise, and come into litigation under



fixed and known laws, and an invariable rule of judging, are of more importance to the peace and order of society than can be the equity, or hardship of many single decisions. When the law, and the decrees of the tribunals are fixed and uniform, every citizen will, of course, have it in his power to conform his actions to them, the rule being clearly known : and, for the same reason, many unnecessary, and disquieting litigations among the citizens will be precluded. But, if the judges are permitted, in any degree, to modify the established standard according to their own apprehensions of perfect right, in particular cases, immediately the laws become unsettled,—the justice of the country is involved in obscurity,—no limits can be prescribed to the variableness, and the contradictory decisions of different tribunals,—and endless litigation will be invited from the hopes which each man will entertain of being able to gain, or blind the opinion of his judge.

In almost every law which is framed, there necessarily arises, through the defect of the human understanding, which cannot foresee all the infinite shapes of human action, some ambiguity in its application to many individual cases. This evil is attempted to be corrected in the course of legal adjudications. When a new case occurs which is not marked with sufficient precision in the statute, it is the

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cy of the law as a science ; and render it absolutely requisite that the judges should be profound lawyers, and not only deeply versed in legal principles, but extensively acquainted with the records of reports which are the history of legal adjudications. On the same reason is grounded the necessity of having the law opened, and explained at the bar, and the judgments which have been awarded in cases, similar to that in actual controversy, recited, and compared by men who have made the science generally the study and employment of their lives.

Not unfrequently, a considerable embarrassment arises to the court itself from the difficulty of determining under what law, or precedent a particular case, which is diverse in some material circumstance, from all former examples, may be brought. Perhaps it cannot be precisely brought under any ; and the court is obliged to have recourse to certain principles of analogy to find a sufficient resemblance between the present, and any former cases to afford grounds of a consistent decision in conformity with the general train of legal proceedings. A question may frequently have some resemblance to others which have already been adjudged. And, it may possess an analogy, in various respects, to several cases which, taken in all their circumstances, are very different from one another. In quoting, and comparing these analagous cases consists a great part of the contention of the bar. And, in apply-

troverted questions of right, or property, the self-love, and pride of mankind will be ready to disturb the quiet of society by their unfair, or malignant suits at law. This litigious spirit is in train to be repressed, by every decision which contributes to fix immutably a new point in the law.

It seems, to many persons, strange and unaccountable, that, since the moral duties of mankind are few and simple, and the whole theory of justice and morality may be embraced in a volume small, and intelligible to the most ordinary understanding, the laws of almost all nations should, notwithstanding, be extended into such ample volumes, and the administration of justice be esteemed such a difficult science, and be, in fact, such a tedious labor. And it has been erroneously conceived, by some immature politicians, that the work of legislation has been artfully magnified, and the whole structure and process of our courts of justice have been artificially complicated and intangled for the benefit of a particular order of men. They have, accordingly, entertained many crude projects in their fancies, for simplifying our civil codes, and reforming the whole order of our judicial systems. That some amendments, if wisely attempted, might be introduced into both, is probable. But in the rage for simplifying, there is great danger that justice would be rendered more uncertain, and the settled order of society, and,

the tenure of property would, in time, be miserably disturbed. Besides, the true ground of objection to the multiplicity of our laws, and the tedious process of our civil courts, is mistaken. It is not denied, that the knowledge of the moral duties of men in a state of nature, or of civil society, is a very simple science ; and its details are reducible within a small compass. When the actions and intentions of men are distinctly known and fairly stated, a fact which is always supposed in every theory of morals, then the conclusions, that is, the grounds of approbation or condemnation, are plain, explicit, and definite. But it is impossible to apply the same simple process in the administration of the laws of the land. Here the fact, that is, the action which is in question before a civil tribunal, is hardly ever distinctly known till sought out by a long process of enquiry, and frequently by a detail of inferences drawn from imperfect circumstances, from dubious and contending evidence, and elicited from contrasted probabilities, which must exercise the ingenuity of the bar.



and purpose of the action, must employ, for these ends, a vast multiplicity of provisions, which must consequently lay open an immense field of litigation. But after the *fact*, in consequence of these previous investigations, stands manifest in its full and perfect shape, the application of the principles of justice are not more obscure and uncertain than are the plain rules of morality in our domestic, and social relations. The theory of morals, when the fact on one side, and the rule on the other, are distinctly presented to view, offers simple and obvious conclusions ; the difficulty and uncertainty of the practical application of the rules of justice in civil tribunals arises from the involution, and complication of human actions, under the studied arts of disguise.

But this does, by no means, express the whole reason of the multiplicity of laws in civil society. In the infinite relations, and connexions of men in this extended intercourse, public expediency requires a vast number of definite rules to be fixed for the transaction of its complicated affairs ; rules, frequently, which involve no natural morality or immorality, and are only necessary because some rule ought to be prescribed for the general convenience. We may take, for example, the rules of inheritance, or of the distribution of the property, real or personal, of intestates. There are many things necessary to the order and benefit of society which are not fixed with precision by

to assist in determining the facts involved in the question, to which the judge points out the application of the law. An important and distinctive principle in the use of juries, which takes place in the jurisprudence of Great-Britain, and the United States, consists in requiring a perfect unanimity in their verdict. The propriety of this rule, certainly, does not immediately appear ; especially, as unanimity is frequently procured by a species of compulsion, confining the jury in their chamber, till, by a certain compromise of opinions, they are tapered down, at length, to such a coincidence as may consent to be embraced in a common verdict. The principle of unanimity, indeed, has been found, on some occasions, favorable to lenity in criminal prosecutions ; and sometimes it has induced a divided jury to receive an opinion from the maturer, and better informed judgment of the bench. But, perhaps, after all, the principle of unanimity in these juridical verdicts, would be better exchanged for that of some certain majority.

Because the rigid letter of the law is not always the most favorable to exact justice, and it is incompetent to juries to determine questions of right, it is sometimes useful, to institute a tribunal of equity, which may correct, in some measure, the errors of the law ; or, as Montesquieu says, interpret the law in favor of herself, who

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OF CRIMINAL JURISPRUDENCE.

In treating of the *defence of the rights* of the citizens, which consists in the protection of their property, and their personal safety, the subject which next requires your attention, after the constitution of the tribunals of justice, is the criminal jurisprudence of a country. This head includes the prosecution of crimes, and the design, the proportion, and the nature of the punishments by which they are to be restrained, or chastised. And, on this subject it should ever be remembered, that it is not less necessary, for the security of the citizen, that crimes should be detected and punished, than it is requisite for the preservation of liberty, and the general happiness, that no man should be punished before he is convicted of guilt; that is, of some action that is injurious to his fellow-citizen, and, that is clearly and definitely forbidden by the laws. Equally inconsistent with the principles of liberty would it be that any citizen, before conviction, should be subjected to confinement, or restraint in his person; except on probable presumptions of guilt; when the constraint should not, in any case, proceed farther than may be necessary to hold him to trial.

compelling the fulfilment of executory agreements, the construction of securities, &c. See Blackstone's Commentaries, book iii. ch. 27.

upon direct evidence ; for, although the testimony of one man, of known, and undoubted integrity, outweighs, in its intrinsic value, and will outweigh, in the public opinion, that of many men of suspected character ; yet, as the law cannot estimate, with precision, the characters of witnesses, and some general rule, which may be relied on, is necessary to be fixed, the rule of two has been adopted as the safest, and best. One witness may often be liable to be corruptly practised upon ; two are not equally subject to a sinister influence. And if their testimony be perverted by any interested motives, it is difficult to make the stories of two persons cohere, in all their parts, in support of a falsehood. But to require a greater number of witnesses to authenticate a fact judicially, as was done at Athens where three were required by their courts, would, on many occasions, impede the course of justice, and defeat the intention of the law, which aims at the discovery, and the salutary restraint and correction of crimes. Although the law cannot designate the characters of witnesses, and the degree of credit which ought to be yielded to their testimony respectively, yet will they necessarily be taken into the estimation of the judges, and the jury, and cannot fail to have their influence on the ultimate sentence of the court. The nature of the thing, and the intention of law, demand, that the court should

is but lately that it has been disused in some of the polished countries of Europe.—Torture has, certainly, no relation to truth ; but only to a man's power of enduring pain.

On the remaining subjects under the head of jurisprudence, I shall content myself with very few and general observations, as it is not the object of these lectures to make complete jurists, but to sketch such an outline, and present to you such comprehensive principles, as may lead your future enquiries and be hereafter filled up with advantage by study and experience.

OF THE DESIGN OF PUNISHMENTS IN CIVIL SOCIETY.

The most perfect idea of justice in apportioning punishment to guilt is the infliction of pains in exact proportion to the moral depravity of the offender. But this supposes a knowledge of the actions of men, and of the dispositions and tendencies of the human heart, beyond the sagacity and penetration of human tribunals, and is the prerogative of that wisdom and power alone which regulates the moral system of the universe. The penal codes of civil communities ought to have reference only to the peace and order of the state. Crimes are punishable by them just so far as the *public good* is concerned. This is the proper *end* of all civil penalties ; and this *end* indicates the proper measure of punishment for the

various offences which disturb the order and tranquility of society. Taking this principle for our guide, these pains must relate either to the reparation to be made to the sufferer by any crime,—to the reformation of the criminal,—or to the restraint of future crimes in the community, by the salutary example of the public justice.—Reparation is the object principally in the view of the law, and reformation, or restraint, only in a secondary degree, if at all, in decrees compelling the fulfilment of contracts,—in damages or fines assessed for slander;—and for injuries arising from personal violence.—The reformation of the offender is chiefly in view, and other ends only incidentally, in those punishments which consist in solitary confinement, either with, or without the addition of hard labor: The labor being added, or omitted by different legislators with the same view; either to prepare the criminal for some industrious occupation when the period of his punishment shall expire, by the



all capital executions, and in those penalties which consist in public disgrace, and shame.

OF THE PROPORTION OF PUNISHMENTS.

The end for which the pains of the law are inflicted, should serve, in some degree, to regulate their proportion to the various offences they are destined to correct. The severity of their pains is not always to be measured by the actual depravity of heart indicated by the crime, or the circumstances attending its commission, but to be determined by other considerations immediately relative to the public good. For example, the facility with which certain acts injurious to the peace of society, or the property of the citizens, may be committed, may require a proportionably severer penalty to restrain them. Therefore the stealing of sheep, and of horses has been punished with greater rigor by the English law, and by the law of several of the United States, than many simple felonies which intrinsically cannot be regarded as less criminal than these. For the same reason, stealing out of a shop, is subjected to a higher penalty, than from a dwelling-house, although the immorality of the latter, if estimated by the hardened dispositions which lead to its perpetration, is, perhaps, greater than that of the shop-lifter.—The difficulty of detection is generally considered by the law as affording ground for increasing the rigor of the

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penalty. But, where injuries may generally be guarded against by a reasonable degree of precaution and care, the law seldom punishes with severity. Hence violations of trust, although justly considered among the most culpable of human actions, are generally passed over with comparatively light animadversion. But where a trust must necessarily be reposed, as in a servant in your family, and no ordinary precaution can guard you against the injurious effects of his unfaithfulness, there the penalty again rises in its severity.

There are certain aggravations in the commission of crimes which are ever regarded as reasonable causes for increasing the rigor of the law. For example, their bold, and frequent repetition; or their being accompanied with circumstances of cruelty, or a hardened disregard of the moral feelings of nature. They are proofs of such malignant depravity of heart as is highly dangerous to the peace and safety of society, and ought to subject the



of combined villains, it would be good policy in the law to make a discrimination between the ringleaders, or foremost actors in any criminal design, and the rest of the band. Such discriminations will frequently contribute to the more effectual detection of the most culpable, and to break the spirit of union which connects them. It will serve at the same time, to impose some check on the formation of similar combinations, and the execution of their iniquitous purposes, from the difficulty of finding those among them who will be hardy enough to encounter so much greater risks than their companions.

Crimes accompanied with terror to others, or with violence to their persons, and especially with danger to life, have so much more pernicious an effect on the public peace, and on all the most valuable ends for which men enter into society, than simple thefts, or frauds, that they require to be repressed by a severer hand. On this principle, burglaries perpetrated in the night are justly subjected by the law to a higher penalty than the same actions committed in the day.

Among frauds, forgeries have generally the most pernicious influence on society; and among forgeries those which affect the ordinary medium of commercial circulation, such as bank notes, or bills of exchange, are more

pernicious than those which consist in falsifying bonds, mortgages, and such specialties as are not usually transferred from hand to hand, and may, therefore, be easily detected.

But the highest species of crimes is of those which affect the life of a citizen. These have been punished capitally by the laws of all nations. Some political theorists, under a mistaken feeling of humanity, have proposed the abolition of capital punishments from the criminal code universally, even for the crime of murder. This false lenity would, probably, prove much more destructive to human life than the law which inflicts death for this highest offence against the peace of society. For one murderer who might be reclaimed by solitary confinement, and labor, or by any other private expedient, ten would be invited to this cruel indulgence of their malignant passions, by the hope of impunity. For, to the most depraved part of society, a punishment removed from



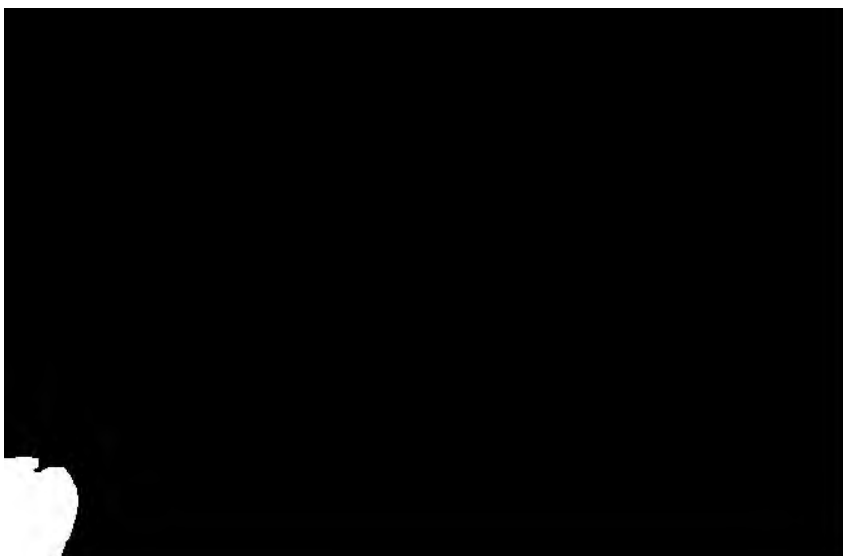
the criminal jurisprudence of the state ; it is not less an offence against reason and justice, to inflict death, with the British law, on crimes of various degrees of malignity. It appears to be doing violence to humanity, and the common sentiments of mankind, to force crimes of the most different grades, under one denomination, for the sake of inflicting upon them a disproportioned punishment. Thus, in the laws of England, and, in some instances, in our own, which are borrowed from them, the abused name of felony is made to involve a multitude of crimes which have no relation to one another, but this unhappy designation of name which serves to sweep them all equally into the snare of death.—Many of the British jurists vindicate, or excuse, this solecism in legislation, by saying that all these crimes, in their highest grade, deserve an utter excision from the benefits of civil society, and society has no severer penalty than death for the most atrocious offences. If there are many degrees of depravity indicated by different felonies, and there seems to be an unnecessary cruelty in subjecting some of the mildest of these to the severest sentence of the law, it is said the constitution has provided a remedy for the most obnoxious of these examples, by the power of reprieve vested in the supreme executive magistrate. It is said, by these politicians, that it is useful to the state that all these criminals should lie under the fear of death do-

2, crimes against the public tranquility, which, however, do not directly affect the security of individuals,—3, and lastly, crimes which immediately violate that security.—In this partition, I do not include offences against religion simply ; that is, for denying its doctrines, or dissenting from the ritual of its worship. For, although most nations have interfered imprudently, and often iniquitously, with the rights of religious opinion, and worship, they are not properly objects of civil jurisdiction ; but, relating wholly to spiritual ideas, and men's spiritual concerns, they should be left to the moral and corrective discipline of the respective religious societies. But it should be carefully borne in mind, that this principle does not exempt from adequate, and severe reprehension, all attempts made by profligate persons, or enthusiastic sects, to restrain the freedom of religious opinion, or to disturb the order of religious devotion among any denomination of men who profess to be employed in the worship of Almighty God. Such acts are crimes against the public tranquility, and the security of the citizen, and, as such, they are proper subjects of civil pains. At the same time, no pretence of religious worship shall ever be admitted as a justifiable plea to cover any illegal, or immoral act from the penalty of the law.

Crimes against morals, restricting this definition merely to those immoralities which are not accompanied with

any acts of violence, or injury to others, may be punished by disgrace, by fines, and, perhaps, in some instances, by confinement and labor.

Crimes against public tranquility may be chastised by imprisonment, solitude, exile, confiscation ; and by all such correctives as are fitted to subdue, and tame restless and turbulent spirits.—But, on this subject, it is worthy of remark, that a great error is often committed in the punishment of seditious and libellous writings. Writings of this nature are generally grateful to the populace ; and there is, commonly at least, a party in the state who are ready to applaud them, and to receive their authors with favor. To raise them to pillories, therefore, and to other public situations of disgrace, is essentially defeating the end of correction. It attracts the sympathy, and excites the attachment of their partizans : and the sufferers are more gratified by the testimonies of the public applause which surround them, than mortified by the



or injuries which have been done to a fellow-citizen, to be compensated by some equivalent ; or they result from an act of the society by which it refuses security and protection to those who have violated the security which the law would extend to every member of the community.

The *lex talionis* of the Mosaic code, appears, on many subjects, to be such an obvious measure of equity, that it seems wonderful that it should not have been more introduced into the jurisprudence of christian nations. Some of the pains naturally arising from this rule, might, no doubt, be frequently commuted with advantage by consent of the injured party. For example, the loss of a member, by which a poor man had been enabled to procure his subsistence, might be commuted for an annuity, which might secure to him, during life, a sufficient, and liberal provision.

OF THE MULTIPLICITY OF CAPITAL PUNISHMENTS.

It argues some defect of wisdom, and good policy, in a state, when its jurisprudence is burdened with many capital offences. There is great risk that the government become hateful to the humanity of the people. Or another risk, perhaps not less injurious to society, is, lest the public compassion be so much interested for the criminals that many of them shall be suffered to escape.

Every criminal that escapes the penalty of the law forms
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a new encouragement to crimes. The execution of the law, in time, becomes a lottery, in which every culprit is prone to count the chances in his own favor. Almost every nation, in the very early stages of her career towards civilization, finds it necessary to infuse great severity into her penal code in order to repress the rude passions of men not yet softened by literature and the arts; but if the same severity be retained in her laws after she has attained a high degree of refinement in her sentiments and manners, it is requisite, for the sake of humanity, that a power of reprieve be lodged in some department of the government, capable of exercising it with a wise discretion. But perhaps the wisest policy is to make few offences capital, and then the law inexorable.

OF THE ENDS OF PUNISHMENT.

The penalties of the law, it is said, have, besides *reparation* to the sufferers by crimes, two ends in view, *correction* and *example*. The latter purpose alone can be



OF SANGUINARY PUNISHMENTS.

Civil society was not instituted for the purpose of exercising an atrocious vengeance on those unhappy men who are so thoughtless, or so wicked, as to disturb its peace. The greatness and strength of the nation should render it superior to cruelty in the administration of its laws, which is the property only of weakness, and the uncertain possession of power. But in a republic, sanguinary punishments are peculiarly dangerous. They demonstrate, and they hasten the decay of the public virtue, which is the only secure foundation of the public prosperity. If ever the state is obliged to resort to severity, as may sometimes be the case in tumultuary seasons of insurrection, and treason, as few victims as possible should be subjected to the axe of the law ; and the republic should immediately return to her usual mildness and lenity.—The extent, and severity of the proscriptions of Sylla, though made in the name of the public good, and directed principally against a low and turbulent faction, hastened the ruin of Roman liberty.

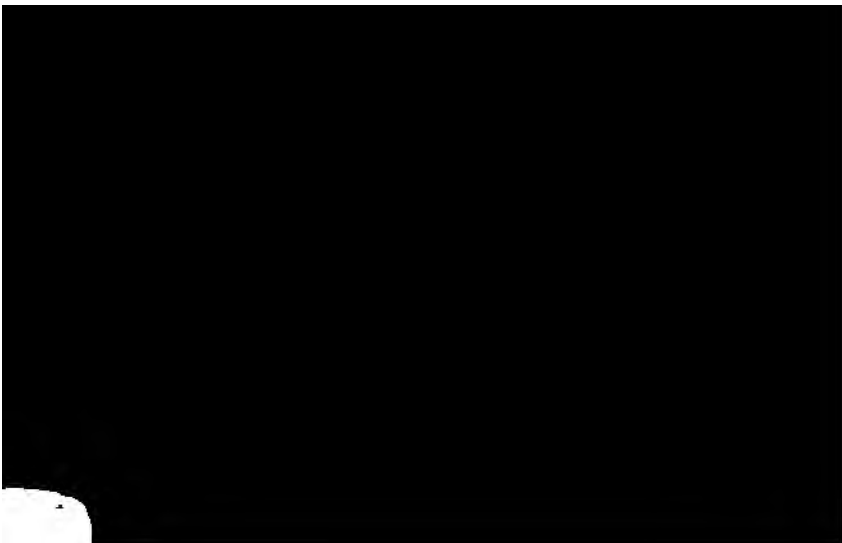
THE next branch of the philosophy of legislation which presents itself to our consideration, comprehends those general principles of government which relate to the constitution of states, and to the great objects of national policy, such as taxation, population, revenue, and commerce, constituting peculiarly the science of politics ; or of the forms, and regulations of the civil communities of mankind.

When Solon was asked if he had given the Athenians the best civil institutions, he replied, *that he had given them the best they were able to bear.* This answer points to a principle which lies at the foundation of political science ; that the forms of civil government ought to be varied according to the character and manners of the people for whom they are designed, as well as according to all those exterior circumstances of climate, or geographical description, such as waters, mountains, plains, &c. which have any influence upon the occupations, habits, and spirit of the country. It results hence, that no single form of government is to be considered as absolutely, and universally best : but the perfection of any civil institution is wholly a relative idea to the state of the nation to which it is adapted. A wise policy must have relation to so many circumstances both in the interior, and external state of the people to be regulated by

it, that those forms which might be evidently best for one nation, may be among the worst for another.

Yet there can be no doubt that there are some political institutions, where they can be prudently adopted, which are more favorable than others to equal liberty, to all the great, or useful exertions of the human faculties, and to the happiness of the citizen. Fortunate it is for any people, when their previous state has prepared them to receive such forms of government as have been constructed on principles of the soundest political reason; or when, like Lyeurgus, the talents of a legislator have been able to accommodate to his intended institutions the habits, manners, and sentiments of a whole nation.

I purpose, in the first place, to make a few observations on the principal forms of civil government which have existed among mankind, and on the springs of action, respectively, which govern their operations. I shall afterwards point out some of the great objects of national



have been compounded, are, as has been mentioned in a former lecture, despotism, civilized monarchy, aristocracy, and democracy. The principal features which discriminate these forms of government from one another, were then pointed out. I shall, at present, only add a few remarks on the different springs by which the operations of these governments are respectively actuated.

A great writer, whose opinions have received almost the authority of axioms in political science, has reduced these springs to four, fear, honor, moderation, and virtue. In a despotism, fear of the despot, or a dismaying apprehension of his power, and his passions, is the principle of obedience in every order of the state, from his ministers, down to the lowest of his people, who are all equally his slaves.—In a monarchy, a certain love of distinction attaches his subjects to the prince, who is the fountain of honor ; and, by creating a universal zeal to serve him, becomes the actuating spirit of the government. Honor is an ennobling principle, which often elevates the mind to great and beneficial enterprize, and infuses into the character of a nation a high portion of energy, in the cultivation of the arts, as well as of war. Its sentiments are not always coincident with the dictates of the moral faculty ; yet are they found, in many instances, useful auxiliaries to virtue. Honor, although supremely devoted to the service of the prince, forms to itself laws which the prince

In aristocracies a degree of public virtue may exist ; but it is rather the love of the *aristocracy*, than of the *people*. A high spirit of virtue, such as has been before described, can hardly subsist, or be of long duration in those states in which the ranks and fortunes of men are so extremely unequal. The nobles will be haughty, and the people envious. Equal civil rights are not known in such a government. The establishment of the privileges of the people would be regarded as inconsistent with the prerogatives of the nobility. Even the prosperity of that humiliated body is apt to be considered as obnoxious to the dignity, and dangerous to the security of their lords. Such a people will seldom be heartily attached to a government in which they are almost annihilated ; and they have continually before their eyes petty princes, but little elevated above themselves, who, yet, are their absolute masters. The highest virtue, therefore, which can be expected in this form of constitution, and which, indeed, is necessary to render it tolerable, is mutual relaxation in the spirit and claims on each side, in these great parties. The people will more easily be brought into this temper when they find a spirit of moderation prevailing among the nobles.

It is natural for the lower class to look for this example first among their superiors. This condescension is

his prerogative. Thus far they agree with the principle of a despotic state. But in order to mingle a portion of liberty in the constitution, which is essential to a civilized monarchy, but is excluded under a despotism, it is necessary that there should exist in the state an intermediate body between the prince and the people, possessed of privileges and powers independent on the will of the sovereign. Their dignity, and the decided weight of influence, attached to hereditary rank and wealth, will concur to impose no inconsiderable check upon arbitrary power. The laws, therefore, which ascertain, and fix the privileges of the class of the nobles, are, likewise, fundamental to this constitution.

A distinction of great importance between a despotism and civilized monarchy is, that the latter enjoys known, written, and fixed laws; under the former, the will of the sovereign is the law. A despotic state, therefore, can hardly be said to enjoy a constitution. Its powers and privileges are all thrown into one mass, and absorbed by the throne.

In order that the law may be rendered fixed in a monarchy, and freed from the variableness and uncertainty of the prince's humor and will, it is of high importance there should be established a body of men, distinguished for integrity, and knowledge, such as existed in France,

nary courts of justice. The fundamental institutions of the monarchy ought to render the tribunals as independent as the nature of the government will permit. Fixed laws, and independent judges, will create an idea of security in the citizens for their persons, and property, and, in so far, a sense of liberty, under the most arbitrary constitution of civil policy.

Above all, it should be an invariable maxim of the state, that this administration of the laws be not retained in the hands of the prince, nor committed to his courtiers, who are but the minions of his power and will. This organization of the tribunals would justly render the monarch formidable to his subjects ; whereas it is of supreme importance to his interest, and his happiness, to acquire their confidence and love, by keeping his power out of their view.

Why, it may be asked, do we speak of fixed laws and fundamental institutions in a monarchy, in which the power of the prince is supreme ?—It knows no effectual limits, it is said, but those which it is pleased to prescribe to itself.—Be it so.—But those limits, being once established, acquire, by time, great strength in the opinions of the people, and in the ideas of the prince himself. And he cannot, afterwards, easily or safely violate them, even if he were tyrannically inclined. Manners, customs, an-

their own condition is, in some measure, assimilated to that of the mass of the community. A sympathy with the lower orders, will be created by their own experience, which will naturally be productive of greater mildness, and humanity in the administration of the powers of government. And it should be received as an axiomatic principle in that form of civil policy, that, the greater the disproportion is between the numbers of the senate, and the whole body of the nobles, the greater will be the freedom, and the happiness of the people.

The institution is the best possible, when the people, as well as the nobles, partake in the election of the senate, and the magistrates.

The necessity of controlling the ambition of the noble families, and of early detecting and punishing conspiracies against the state, which are more frequent and formidable in this form of government than in most others, requires a body of magistracy for the purpose to be established by the fundamental laws of the republic. In the exercise of this authority against powerful nobles, it is necessary that these magistrates be invested with such great, and discretionary powers as, in their operation, may sometimes prove tyrannical. Without such high and uncontrollable authority, the institution of the censors at Rome, of the ephori at Sparta, and the state in-

quisitors at Venice, could not effect the purpose of their institution against such great criminals.

There may sometimes exist particular crises of public danger in democratic republics, in which it may be requisite, for the general safety, to invest an individual citizen with unlimited powers, like those conferred on the dictators at Rome. The duration of these powers, however, being limited to a very short period, the government soon returns to its regular, and accustomed channels. But, in aristocracies, the ambition and pride of the great families often render their passions, enterprizes, and factious pursuits, hereditary, and perpetual. To check an evil attended with such continual danger to the state, she is obliged to have recourse to a perpetual magistracy. The great wealth, and powerful influence of the nobility tends to make them haughty, obstinate, and intractable. It is dangerous to become their accuser. And the ordinary tribunals are too weak to punish them.

This magistracy, therefore, should be able to avail itself



rian order, above the common mass of the people, are the sources of the principal disorders of this state, it is of importance that the laws should apply some palliatives to the evil, which, because it is too inveterate to be directly attacked, or entirely extirpated, may be hoped, in time, by a silent and imperceptible progress, to relieve some of its worst effects. Accordingly, Montesquieu remarks, that it would be a good aristoeratical institution, to make a certain degree of wealth, acquired by a commoner, confer nobility ; and, at the same time, to preclude the nobles from commercial pursuits. For, when they are permitted to become merchants, their rank, and opulence forms an almost exclusive monopoly in their favor ; and a vulgar citizen, embarked in trade, must enter into a most unequal competition with them. It is of use, by such regulations, at once to restrain the cupidity of the higher orders of the state, and to open to the people a prospect of rising, by their industry, above their original rank.

But, perhaps, one of the most effectual, and, at the same time, least invidious checks to the accumulation of exorbitant wealth in one family, and the arrogant pretensions to which it is apt to give rise, is the posthumous division of great estates according to some legal and equitable rule, prescribed by the legislator. This may be accomplished, partly by the prudent regulations of the law

endeavored, as far as possible, to prevent these tumultuary movements, by the peculiar order introduced into the elections. The famous division of the Roman people into six classes, made by Servius Tullus for this purpose, is so well known as to need no illustration. By this political arrangement none of the citizens were deprived of their rights of suffrage ; but they were so artificially disposed, that property, and information must generally prevail over ignorance, and poverty. The Athenians were divided by Solon into four classes, according to their property ; one object of which division was to limit the eligibility of citizens to offices which required information, or involved any important public trust ; while the elective franchise was sacredly preserved to every citizen. It was a principle with Solon that citizens, of the lowest grade in the republic, may, from public fame, or their own observation of the actions of their fellow-citizens, be able to chuse a magistrate, although they are wholly unqualified to discharge the functions of the magistracy. In consequence of this principle, he ordained that the public magistrates should be eligible out of the three former classes only ; but judges in legal trials, an order equivalent to our juries, might be chosen out of the last of the four classes, comprehending that numerous body who were destitute of real property.

lated in a great degree to prevent, or correct those evils, not only by the superior age which the laws may require in its members, and by the manner of its appointment, which may be made more favorable to the selection of the wisdom and experience of the nation, than can be done in popular elections, but simply by the circumstance of its being a separate body. The same violent impulse, or the same factious influence will probably seldom operate in an equal degree upon both assemblies at the same time. The moderation and prudence of the one, when factions do exist, will frequently restrain the impetuosity and rashness of the other. The same men can hardly be supposed to acquire a leading influence in both. And different leaders, admitting that they are equally governed by ambitious, or by mercenary views, will seldom find their interests coincide. Mutual opposition will therefore impose a powerful, and mutual restraint on all improper designs ; and hardly leave them any other point of union but the public good.

Whether a democracy ought to be simple, or representative in its structure, will depend in a great measure on its territorial extent. If it be confined to a single city, and its environs, we may pronounce it, as a general rule, that the government ought to be simple, and the legislative power be vested in the general assembly of the citizens. If it be placed in a selected body of representatives, ex-

frage ; and, if limited, what shall be the qualifications of the electors ?—Universal suffrage is always dangerous, at least in the course of time, to the tranquility of the state, and to the prudence of its administration. The mass of the populace is necessarily ignorant ; and, through ignorance, exposed to have their opinions easily misled, and their passions inflamed by the insidious arts, and the violent harangues of unprincipled and ambitious citizens. The popular and fickle tides raised by these arts will often have an undue influence over the opinions and actions of their subservient representatives. Either the people will chuse men who are deeply tinctured with their own prejudices, or inflamed with their own passions ; or the representative, who is humbly ambitious to gain their precarious favor, and keep his place in the government, will be disposed tamely to yield his opinion to their violent and variable impulse. The character of the representative assembly under the influence of such electors will be gradually deteriorated, and sink, in point of information and respectability, towards the level of their uninformed constituents. The probability of obtaining a wise, and judicious representation will be much increased by restricting the elective franchise by some rule of property. The restriction established in most of the United States to a sum so small that the poorest laborer may justly estimate the use of his hands for a few days, at a

sition of real property, moreover, to enjoy the right of voting lessens that vast, and indefinite multitude which would otherwise claim the franchise, and which, from their numbers, would be so easily thrown into tumult, and agitated by any dominant and popular passion. A very dense, and uninformed population, which possesses a share in the elective privilege, will, on all those occasions which greatly agitate the public mind, as elections for the legislators and governors of the country always do, contain in itself a strong tendency to turbulence and disorder. This tendency is much restrained by a thin population ; or, what amounts to the same thing in effect, restricting the number of electors, by requiring the qualification of real property to the exercise of the franchise. Hence it is, that the great political movements in the United States of America have been distinguished by a coolness of temper which has rarely been found, in similar circumstances, in other countries. The sparseness of our population has prevented that excitement to the passions which is created in great assemblies roused into a ferment by the interests of a nation. That moderation, which has been so much our own boast, and the wonder of other nations, has arisen principally from the circumstance just named, together with its natural consequence, the general political information of the popular mass. Time, and the multiplication of our citizens, will produce a change, it is to be feared.

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should be conferred by open vote. With them a degree of intrigue is useful ; otherwise, their public affections are prone to become torpid, and inactive.

In the legislative body, likewise, all laws should be enacted by the most open and public vote, that the people may know in what manner they are served. On the other hand, all offices bestowed by the legislature ought to be given by ballot. A selected assembly like this, being supposed to be more capable, than the multitude, of judging with candor and prudence of the merits of different candidates for places of public trust, intrigue would here be improper. Every legislator, ought to be most free, and exempted from any bias, but that created by talents, and virtue, in exercising his judgment.

peculiar influence on the ultimate effect. Whenever a nation has acquired fixed manners and customs, and a distinguishing character, and spirit, the government, and the laws ought to regard them with respect, and never attempt too directly to contradict them, or too violently to change them. Laws, otherwise the best, may become tyrannical ; for that tyranny is no less real which attempts to control our opinions, or which violates our manners, than that which affects our lives, or our property. The efforts of legislators, and rulers to contradict the spirit of a people have frequently been productive of so many political evils, that it is eligible to submit to some imperfections in the government, rather than aim at too great theoretic perfection. It is better to bear with some partial evils in the laws, than to hazard a convulsion by attempting to reform too much. This forms the explanation of those declarations in the sacred scriptures in which it is said that God permitted certain evils in the civil and political state of the Jewish nation, on account of the *hardness* of their hearts,—that is, the inveteracy of certain habits and customs which civil rulers can seldom attack without encountering greater risks, or suffering greater evils than would arise from their continuance. The same reflection unfolds, and vindicates the meaning of Moses, when, speaking in the name of God, he says, I have given them statutes that were not good,—though relatively wise,

ta ; and an attempt to introduce the code of Lycurgus at Athens would have produced a civil revolution. In the century before the last, we have seen England attempt to establish a republic ; but her manners were not adapted to such a change, and, after yielding for a season to the power of a bold usurper, she was obliged, at last, to take refuge again in the monarchy she had thought to abandon. It remains yet to be proved whether the manners and spirit of the French nation can support the democracy at which they are aiming ; or, whether they will not, after infinite miseries and convulsions, be obliged to have recourse again to their exiled nobility, and royal family, or must have the ferocity of their passions repressed by the iron hand of some more powerful despot that shall spring out of the flames of this volcano.*

As laws, whether political, or civil, ought to be relative, to a certain degree, to the spirit and manners of a nation ; it is sometimes desirable, likewise, to introduce a gradual change into the public manners ; to which the laws may sometimes be made to operate by a reflex influence. But, as manners, ancient customs, and habitual

* These lectures were prepared in the years 1793—4, and the author was stigmatized by some indiscreet zealots, for not possessing that ardent spirit of liberty which could entertain no doubt of the success of that extraordinary revolution ; and that the world was unquestionably going to be regenerated, in the phrase of the day, by the conciergerie, and the guillotine.

their sentiments of propriety. Montesquieu remarks that when the Czar Peter 1st attempted, by an ordinance, to shave the beards, and change the dress of his Russians, he had nearly excited a revolt : But, when he invited the ladies to court, dressed in the stile of Europe, and encouraged his courtiers, by his favor, to imitate the European habits and manners, he attained his purpose without violence.

But if a legislator desires to accommodate the ideas of his people to the institutions he intends to establish, or to give to those institutions the greatest stability and duration of which human laws are susceptible, no mean can be found so effectual as a proper direction of the public education. The ancient legislators seem perfectly to have comprehended the full force of education. And, upon this foundation, they, almost all, concurred to rest the stability of their laws. But as their republics were generally of small extent, their systems of education were accordingly calculated to their confined limits, and could hardly have been reduced to practice over an extended territory. But, without confining our view to those gymnastic models which they present to us, it is a duty of high importance in the legislature of each state to provide for the general information of the citizens in the principles of virtue and good morals, and in the whole system of their

and awakens his vigilance to their preservation. The knowledge of the laws, as far as they are understood, increases his love of justice. The simple elements of the jurisprudence of the republic,—those elements especially, which are connected with all the ordinary transactions of society, should form a necessary branch of the education of a citizen, from the highest to the lowest order of schools in the state.

The policy of the great Jewish legislator on this subject was admirable. He incorporated his political, and civil institutions with the laws of religion. The people were enjoined continually to read them in private, and they were publicly read in their audience on every sabbath. And, still more solemnly, they were recited at all the great festivals to the assembled nation. Every Israelite, as was the intention of Moses, had the laws of his country, and of his religion, its civil police, and its sacred ritual, in a great measure, by heart. They were incorporated, moreover, with all his ideas, and all his affections. Hence these institutions have endured longer than those of any other legislator, and have ever been adhered to by that people with a more ardent, and persevering zeal, than has been found in any other nation.

mistaking his true interest, he would govern, rather by exciting the fear, than by gaining the affection of his people ; and studies more to intimidate them by the cruelty of his executions, than to win their confidence by his public services, and the wisdom of his administration. Such a monarchy is hastening into despotism ; and the infatuated monarch is creating that insecurity for himself, which it seems his principal study, by the severity of his measures, to avoid.—Supreme power, united with the bad education of princes, has a strong tendency to this issue in the progress of a very few successions.

The principle of a democratic republic is corrupted when the spirit of equality, which is naturally cherished by the enjoyment of liberty, is carried to an extreme. All men, by nature, have equal rights. And in a well regulated republic they possess equal rights as citizens. But, from that equality of right, by which each man is secured in the possession of the fruits of his own industry, and ingenuity, and in the fortuitous accessions which have fallen to him by the natural order of things, or the arrangements of society, necessarily arises, in a course of time, an inequality of property among the citizens. And, from the necessary order of government results an inequality of rank between the magistrate and the citizen. It is essential to the peace and prosperity of the state that property should be respected, that the citizens should be

created. Thus the people become haughty and impatient of control, and are so jealous of their liberties, for, it is on this subject that their demagogues perpetually harangue them, that they bear with difficulty the restraints of government. The lowest and poorest aspire to be on a level with the richest, and have always been found, in a course of time, to turn their attention towards a division of the property of the state among themselves. Becoming idle, at last, as well as insolent, the elections are made venal. The populace must be gratified, whatever their pleasures cost, at the expense either of the public, or of those who solicit their suffrages : and if the latter, means must be found to reimburse it out of the public treasure. But, while the populace are indulged, their servants, who are also their masters, may securely pillage the coffers of the state, or dispose of its honors, or its offices, to their friends, for their own advantage. The deluded people will not suffer them to be called to account. Corruption and anarchy continue to increase, till different popular favorites starting up, and aiming to enslave the people by means of the people themselves, they are all, at length, superceded by one more fortunate than the rest ; who becomes the tyrant of a new dynasty.—Thus perished the liberty of Rome ; and, in a similar vicissitude, many of the Grecian states long vibrated between anarchy and the tyranny of successive demagogues.

public good are commonly lost in the pursuits of private pleasure and ambition. General luxury, and genuine patriotism in the spirit of a country, are forever incompatible. The state ought, in such a case, if possible, to possess some means of revolving easily into another form of government. The laws in a commonwealth, in order to preserve the public virtue, should study to preserve the frugality of the public manners. One of the most effectual, and least offensive means of arriving at this end, would be, by prudent regulations, preventing the growth of extreme inequality in the fortunes of individual citizens. In many of the ancient republics a violent measure was attempted for this purpose by the establishment of agrarian laws, and founding the civil order of the state on an equal division of the lands among all the citizens. Such laws, however, are not practicable, except in states of very small extent, founded entirely on agricultural institutions. They are, moreover, utterly inconsistent with the spirit and principles of a nation addicted to commerce ; which, in the midst of wealth, and a certain magnificence which accompanies it, is always frugal. A more eligible method, perhaps, to introduce as great an equality into the state as is practicable, and beneficial, is by the regulation of dowries, inheritances, and testamentary settlements, so that the largest estate which any man may acquire by the most successful industry, shall, usually, be

with its attendants voluptuousness and ostentation, the office could no longer be executed. It is evident that this, like the former, is an institution which can be of no utility beyond the bounds of a single city, and its environs.

It is a maxim which merits the particular attention of the legislator ; that while the principle of the constitution is preserved in its purity, the worst laws may be harmless, but when that is corrupted, the best are often rendered useless, or pernicious. Among a virtuous people an oath is more powerful than interest. A Roman consul could lead a whole army to their duty by the remembrance of the oath they had taken before their standards, in opposition to the most violent impulses of seditious passions. But when the popular mass is corrupted, oaths are only made a protection to crimes : and the frequency of swearing only tends more effectually to prostrate the public morals. —And Plutarch remarks that the gymnastic exercises of Sparta, which anciently contributed to form hardy soldiers for the defence of the state, afterwards, when the people had lost their virtue, only infected the youth with cowardice, and inclined them to infamous passions.

OF SUMPTUARY LAWS.

It has been made a question among political moralists, how far frugality ought to be enforced by sumptuary laws, —or laws prescribing certain limits to expense in the

fortune, and very rich men without the power of enjoying theirs. The state will be impeded in its prosperity for want of a proper circulation of its wealth.

To remedy this inconvenience, that was an excellent custom among the ancient Greeks, by which the wealthy were encouraged to employ their riches in executing chargeable offices for the good of their country and in festivals and choruses for the entertainment of the people. To these might be added, the erection of libraries for diffusing the lights of science more extensively through the republic—the raising of statues and monuments in commemoration of the distinguished patriots, or the great events of the nation—forming gardens and public walks for the accommodation of the citizens—and, above all, executing canals, roads, harbors, and other noble and generous labors for the improvement and glory of their country. To all which they might be encouraged by public honors, and by some conspicuous means of perpetuating the remembrance of their works.—Athens frequently exhibited the most distinguished union of public magnificence with private simplicity. In that renowned city in which existed the most splendid monuments of the arts, erected by the noble munificence of private citizens, we might often see them entering their own doors by a simple latch.

to enter more extensively hereafter into the career of their political studies.

OF A POLITICAL CONSTITUTION.

Most governments have been originally founded in the authority of a single person, or of a few families, which has gradually grown up by custom, or ultimately terminated, after various revolutions, and changes, in the dominion of one. The schemes of policy have seldom been deliberately formed, and established by the will of the people who have voluntarily submitted themselves to the control of their own laws. It is not sufficient, however, that a great people enjoy the privilege of choosing their own government, unless the fabric of it is so wisely constructed as to secure its own duration, and to give as much liberty as possible to the citizen, in consistency with the general good order of society. This must be provided for in the internal organization of the political system in such a manner that, while all the parts move together harmoniously to promote the public welfare, no one part shall have such disproportioned strength as to afford either the means, or the motives to disturb, or improperly control the motions of the rest, while the true interest of all shall be, as near as the errors, and imperfection of human judgment will permit, the common interest of the nation. That frame of the government which is calcu-

efficient restraint on the other departments, which may in any way attempt to transcend the authorities entrusted to it in the general organization.

If men were perfectly wise and virtuous, all the powers of government might be entrusted in the same hands not only with safety to the public liberties, but with advantage to the public prosperity. But, as mankind are liable to be impelled and misled by motives of interest and ambition, it is necessary to make their rival interests, and ambitious aims restrain one another. These powers must, therefore, be deposited in different hands, and so balanced and adjusted that the interest of each body composing the government shall have more relation to the public good than to any designs of either of the other bodies with which they are associated in the government.

Although the perfect idea of political liberty requires that the legislative, executive, and judiciary powers should be preserved separate, yet, this maxim does not imply that they should be entirely disunited, and unconnected; otherwise, in their mutual opposition, the movements of the government might be arrested; or one, more powerful than the rest, would at length absorb them all into itself, and thus establish a tyranny. Such a connexion they ought to have as to make them mutually necessary to one another: and such a mutually controlling

houses of parliament. The king possesses a share in the legislature by his negative on the resolutions of the lords and commons, and by his power of making treaties with foreign nations. The house of lords possesses a share in the judiciary, being the only court for the trial of impeachments, and having supreme appellate jurisdiction in all other causes. The judges so far partake of executive and legislative influence, that they form one of the king's constitutional councils, and are sometimes called to assist in the deliberations of the legislature, though they do not enjoy the efficient power of a vote in any act of that body.

This government furnishes the most complete example existing in any nation, unless, perhaps, we may except our own, of the separation, and independence, of these powers in the constitution, and yet the necessary connexions, and relations subsisting between the bodies respectively exercising them. The supreme executive, being hereditary, and surrounded with the majesty of a throne, derives thence that elevated dignity, and powerful influence which are requisite to balance the immense weight of the legislature. The division of the legislature into two bodies lessens the force of its action upon the executive, which would otherwise be irresistible. And the lords, holding an intermediate rank between the prince, and the commons, are enabled to preserve the equilibrium of the government by adding their weight sometimes to one

intended to present to you a philosophical examination of the principal points of the federal constitution, on the most acknowledged principles of good policy, if the severity and tediousness of my present indisposition had not arrested my design, as it has obliged me also to curtail, or omit many of the subjects which I had proposed to myself in the latter part of these lectures. But I cannot forbear recommending to your perusal again, the excellent and detailed analysis of the whole constitution, in the *Federalist*, a work which was the combined production of several of the ablest civilians in America. It deserves, however, to be here remarked, that the Americans, in their first efforts to frame the political constitutions of the several states, as well as of the United States, fixing their view too strongly on the terrors of a tyranny from which they had but just escaped, and making too high an estimate of the wisdom and the virtue of the people, from their exploits and sacrifices during the war of the revolution, when the pressure of imminent danger repressed almost every other passion among them but love of the public, generally laid the executive under too great restraint, and, in the same proportion, enlarged, beyond their due bounds, the power of the legislative. They remembered that power in the hands of a single person always aims to extend its sphere. But they often seem to have forgotten, that its tendency is the same in the hands

and especially the lower house, which is composed of the most immediate representatives of the people, is still aiming at a similar accumulation of power in the popular branch. And this dangerous project it has means, peculiar to its own body, of successfully pursuing. It is almost impossible to give to the head of the executive, a man selected from the mass of the people, that elevation and dignity of character, and that powerful influence, which will enable him effectually to resist their formidable encroachments, or inspire him with that energy and force of mind, that will support him, like the first president of the United States, resting on the glory of his past services, in daring to repel their unreasonable demands. It gives me pleasure to be able to confirm these principles with regard to the tendencies of the popular branch of the government, by the opinion of one of our most enlightened politicians, delivered at the very commencement of the present federal government, a time when his judgment cannot be supposed to have received any bias from existing parties.* “ In a government, says he, where numerous and extensive prerogatives are placed in the hands of an hereditary monarch, the executive department is very justly regarded as the source of danger, and watched with all the jealousy which a zeal for liberty ought to in-

* Mr Madison of Virginia, now president of the United States. Federalist, No. 68, near the middle.

to pursue its organization into all its details. The example has been followed by some modern writers. I shall not attempt to imitate them. Your ideas upon this subject will be better matured by comparing together different forms of government in the course of your studies, and examining in history the practical effects of each. The great desideratum in the science of politics is the distribution and organization of the three powers which have been mentioned, in such a manner, that they shall always move in concert for the public good, and, at the same time, shall form such necessary checks on one another, that the integrity and balance of the whole shall be permanently preserved. The imperfection of human nature, however, hardly leaves us room to hope that this idea shall ever be completely realized.

Instead of presenting you with any ideal system I shall expect you to commit faithfully to memory that form of government under which we live, and which is, perhaps, the best practical scheme of a confederated republican institution which has ever been framed. The principles of our government, and, if possible, a summary of our legal institutions, I have before said, ought to form essential objects in the education of every American scholar.

[Here the federal constitution is to be committed to memory.]

state. Formerly, the greater part of the income of the princes of Europe, except the feudal services of their vassals, arose from demesne; that is, from those lands attached to the crown, which might be considered as the landed estate of the sovereign. A source of revenue of this kind may exist in countries newly occupied, as in the United States of America, in which are large quantities of land not yet distributed in private property, from the sale of which a considerable augmentation may be derived to the public treasury. This, from the natural progress of society, will be daily diminishing, and it is the interest of the public that, as speedily as possible, it should be wholly extinguished, leaving no portion of the soil unappropriated by useful and active citizens. The chief means of providing for the public exigencies therefore, is taxation. And one of the principal objects of political science is to be able to impose, and to raise taxes in such a way as shall be most effectual to supply the necessities of the state, and be the least burdensome to the citizens.

Taxes ought to be regulated according to the real exigencies of the government, and the convenience of the people. But the exigencies of the government should never be measured by the ambition, caprice, or passions of those who have the direction of public affairs; nor of the people themselves in those momentary paroxysms of rage, or of vanity to which they are sometimes stirred up by

Assessment is a certain proportional rate levied on the property, or wealth of each citizen. Such a system of taxation may be rendered perfectly equitable and just, although the greatest inequality subsist in the property of different citizens. Land being the most visible and permanent subject of property, is best adapted to this species of taxation. Stock in trade is much more difficult to be ascertained with the precision requisite for an equitable tax. It is of so fluctuating a nature as to render it almost impossible to be sure that you possess its real amount. And attempts to assess it with accuracy would probably be attended with many frauds in the proprietor, or with oppression on the part of the government, and an improper disclosure of the secrets of trade.

Assessments of land for the purposes of taxation should be framed not merely according to its quantity, or admeasurement, but according to the quality of the soil, and the nature and value of its produce. These circumstances cannot be designated by any law, but may generally be ascertained by honest and judicious men of the vicinity without oppression or fraud, and without any great error from the truth of the facts.

In laying the rate of taxes, allowance should always be made for the necessaries of life. Necessaries ought always to be exempted from every public burden. The surplus

relative to the public tranquility, two principles are important to be observed,—in the first place, that there be a reasonable proportion between the quantity of the impost, and the natural price of the commodity. Otherwise the tax is felt, and the illusion is at an end. In the next place, imposts should not be laid on such articles as are become absolute necessities of life among the poor, except, perhaps, in some rare instances in which they cannot easily be reached by any other tax. Such duties operate like a capitation, and are necessarily grievous and unequal in their pressure upon the people. A wise policy will lay them as much as possible on mere luxuries, and merchandizes of costly ornament and accommodation. In that case, they fall directly on the wealthy, or the prodigal, and are the most willingly paid.

It is the part of legislative wisdom not to impose an unequal burden on any branch of commerce. Large imposts may be so laid as to defeat their own end, and impair the revenue by diminishing consumption, or amounting to a prohibition of the article. Moderate customs, with a flourishing commerce, serve most effectually to replenish the public treasury.

Another observation merits attention on this subject. As the merchant who makes the advance of the duties to the state must not only be eventually reimbursed, but re-

of exchange, and transit from hand to hand. It is generally esteemed, and perhaps justly, a tax of the most odious kind. For, although duties collected by excise may not be actually so heavy as those drawn from customs and imposts upon trade, they are, notwithstanding, more directly felt as a tax.—Besides, the methods necessarily employed to discover exciseable goods are peculiarly obnoxious to public opinion, and to the private peace, and tranquility of families.

From two facts which very frequently occur,—that the heaviest taxes are paid by free states; and that an additional tax laid upon a particular manufacture, has been followed by an improvement in the quality, and an augmentation in the quantity of the manufacture, it has passed into a maxim with some political writers, that the increase of taxes is beneficial to a state.—It is true, that free states, from that spirit of industry and enterprise which accompanies the possession of liberty, are more able to support the weight of taxes than arbitrary governments; and being commonly smaller in extent, and surrounded by ambitious and dangerous neighbors, they are often called to greater exertions in defence of their rights, and their existence. But the ability to support such impositions does not surely arise from any peculiar tendency in taxation to augment the monied resources of

put forth all their powers, these motives may sometimes be found in the necessity of furnishing the taxes demanded by the state. But this rule ought carefully to be observed, that whenever the public burdens are to be augmented, it should be done by very small and gradual increments, that, in the process of the operation, the people may have leisure to learn by experience to feel their own abilities. Great and sudden augmentations of their taxes are calculated only to alarm and discourage them.

I add that the *maximum* of taxation, or the highest surplus for public use, which the industry of the nation can yield, after the necessary wants and ordinary conveniences of life have been supplied, ought seldom to be aimed at by the rulers of a state. Human nature kept constantly at its full exertion, will become fatigued and dispirited, and be ready at length to bless a less free government, relieved from the oppressive weight of those fiscal impositions. The state, moreover, ought not to be always at its utmost effort. Emergencies will arise which will require extraordinary exertions ; and strength ought to be left to meet these demands.

OF LAWS RELATIVE TO COMMERCE.

Another of the most important operations of government respects the encouragement and regulation of commerce. Commerce consists, in the exchange of the pro-

Free states whose territories are small, and manners simple, if conveniently posited to enter into the career of trade, are generally inclined to undertake an economical commerce ; that is, to become carriers for the rest of the world who either need, or are willing to receive, the aid of their ships. In this species of commercial intercourse, it is the interest of an economical republic to consider the wants and the superfluities of all nations, and to avail itself of both. This species of commerce can be maintained, only by the smallness of its profits. It exists by underselling others. Its present gains are small ; but by gaining constantly, and drawing its resources from every quarter of the world, the ultimate profit to the nation may be great.

Civil liberty is absolutely necessary to the existence of a flourishing commerce. Freedom is the nurse of industry and enterprize ; and in the bosom of liberty alone is the property of the merchant, at all times, sufficiently secure from the grasp of power. In absolute monarchies, the humble and industrious occupations of the merchant are held in contempt by the superior orders of society. But under the protection of a free government, merchants have been found capable of the grandest enterprizes.*

* The tendency of commerce is to create civility and refinement of manners, by opening a free and liberal intercourse among all nations ; at the same time, it begets a certain spirit of

The institution of banks, when properly restricted, is beneficial to trade, by facilitating a reasonable credit to merchants, by which they are enabled to encourage industry, and to extend the useful enterprizes of commerce.* On the other hand, the multiplication of banks beyond the real necessities of trade, or unsupported by an adequate capital of bullion, becomes a pernicious evil, by augmenting unduly an artificial medium of trade, and thereby increasing the price of labor, and of all commodities in the market, and at length defrauding the credit which had been reposed in them.

The incorporation of exclusive companies of merchants for managing, and enjoying the sole benefit of any particular branch of commerce, is contrary to the rules of good policy, unless the commerce be of such magnitude, and attended with such expense and risks, that it cannot be advantageously pursued by individuals. When such a case occurs, the privilege of entering into the company ought to be extended as far as possible. Another important requisite is, that the charter of incorporation should be limited to a convenient term of years, in such manner that the earliest opportunity may be embraced for throwing

* For a clear and concise elucidation of the nature and effects of banking systems, I cannot refer you to a more useful work than a small treatise by Dr Erick Bollman of Philadelphia, entitled *Paragraphs on Banks*.

sent to Flanders, was interdicted in England, that it might produce a greater profit at home, by being worked into cloth.

The freedom, or facility of trade is injured by all unnecessary delays, or intricacies in the transaction of business at the custom houses. The more effectually the laws guard the trader from imposition, and the fewer auditors and judges he is obliged to be concerned with, the more favorable is the policy to the operations of commerce. Its affairs are the transactions of every day. Expedition therefore, in all the forms of business, and in all the judicial questions arising in it, is of the greatest utility to the merchant.

As the life of commerce depends upon the punctual fulfilment of engagements, every facility should be put in the power of the merchant to compel punctuality in contracts. Let it be lawful for him, says Montesquieu, even to seize the person for debt. That great oracle of legislation speaks of it as an excellent law in Geneva which excludes from the chief honors and privileges of the state the children of those who die insolvent unless they have first discharged the debts of their parents.

In the intercourse between nations, there will generally arise in the settlement of their accounts at the close of each year, a balance due from one to another. An unfav-

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OF MONEY.

Trade, in the early and rude ages of the world was carried on by *barter*, or the exchange of one species of goods for another. This was found, in time, to be inconvenient, especially after exchanges, in the progress of society, necessarily became frequent. It was requisite, therefore, to discover some medium of commerce which should be willingly received, and acknowledged as a universal sign, and standard of value. This medium, in order to subserve the various purposes of trade, and to render it, at all times, a safe and convenient mean of exchange ought to possess the following properties. It ought, in the first place, to have an intrinsic value, and to be in itself an object of desire, and, therefore, a proper subject of commerce, as well as a sign of wealth, and a standard of the value of all other things. This primary quality is requisite, because no authority can give a value to that which possesses none in the public estimation. It ought, in the next place, to be rare, that a small portion of it may represent a large quantity of other commodities, and be easily portable for the convenience of trade. It should, for the same purpose, be divisible into minute parts. And, finally it ought to be durable, that it may not be liable to decay by being exposed to the air, nor be easily worn and wasted in passing from hand to hand.

ment ever to attempt to regulate the prices of the market, farther than to prevent fraud in the genuineness, the measure, or the weight of the articles brought into it. Every arbitrary regulation, or attempt to change the natural proportions between money, and other merchandize, especially, of provision in a season of scarcity, will usually prove as abortive as it would be pernicious if it could be carried into effect. This assumed power over the freedom of the merchant, tends to destroy industry, and increase the distressing want for which it is proposed as the mistaken remedy. If scarcity produces an alarming augmentation of prices, that very circumstance holds out the speediest prospect of relief. It awakens industry, and invites a prompt supply from every quarter whence it can be derived, till the increasing quantity in the market again reduces the price towards its natural standard. All compulsion contributes to drive the means of relief out of the market, and to continue the public distress. It were better, in such a case, to afford a bounty on provision than to check the freedom of its sale, by limiting its price.

OF COINAGE.

The quantity and proportion of the metals is determined by weight. But, on account of the inconvenience and inaccuracy which must attend weighing bullion in all the

the risks of the sea. A bill is no more than a draft for the money which may be owing from one merchant, to satisfy the demand which may be due to another. When equal sums are to be remitted from one nation to another, bills may be purchased at par. When greater sums are due from one than are to be received from the other, the nation against which the balance is found to lie, must make its remittances in kind, or must pay an additional sum for bills ; which sum must be estimated according to the risks of remitting. The exchange, therefore, is against that nation, and bills must be purchased at a price above par. The balance of trade between two nations may, of course, be generally determined, at any period, by the rate of exchange.

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some known and general principles of equity to which, by the tacit consent of custom, or the explicit stipulations of treaty, they should agree to submit in their conduct towards one another.

On this subject, there naturally arise two important questions :—In the first place, are there any such principles which have been acknowledged to be obligatory on all nations ?—and, in the next place,—by what authority are they prescribed ? and by what sanction enforced ?

In answer to the former question ; it has already been observed, that independent nations may justly be viewed as standing in the same relations to one another, as independent individuals, previously to the existence of civil society, possessing the same rights, and subject to the same obligations. This state has been denominated *the state of nature*. And these rights and obligations constitute the basis of the *law of nature*. But because individuals are rarely, if ever, found actually existing in this state, and its laws are almost exclusively applicable to mankind in their national capacities, hence the additional title has been given to it of the law of nations.

The most rude and barbarous people have not been without some rules, to ascertain the several rights, and regulate the mutual intercourse of their respective tribes.

shoeek, have acquired the highest reputation, and have become authorities to which even nations have condescended to appeal in the decision of their controversies. They have left little to be desired in the science. And in the respect paid to the writings of these illustrious men, we have often seen the pride of power stoop to the illumination and persuasion of wisdom.

To the second enquiry, by what authority is the law of nature and nations prescribed? and by what sanction is it enforced on independent communities?—I answer,—It is prescribed by custom, and the implicit or positive consent of all the nations of Europe, and to these we may now add the United States of America, and the European dependencies in the East and West Indies, who have all agreed to submit nearly to the same rules.

In this age of refinement, and literature, learning has shed such an extensive illumination through society, and learned men have acquired such preponderance, that their opinions have become, in a great measure, a standard of civil and national policy, and, in many respects, a law to princes and states. Their authority is resorted to, and often admitted as decisive in the determination of controversies between the most powerful kingdoms. But besides this indirect authority, the greater part of the principles of the law of nature and nations, as they have been

some openings to the science in the prosecution of your future studies.

**OF RULES AND PRINCIPLES RELATIVE TO A STATE OF
PEACE.**

These principles respect chiefly the independence and equality of nations in their right of absolute control over their own political arrangements,—the extent of their several jurisdictions,—their privileges of intercourse and commerce with one another,—and, finally, their mutual rights of embassy and representation.

The independence of states, and their equality in rights and privileges, lies at the foundation of the law of nations. And this perhaps is a proof that this law, which is of so modern a date, has taken its origin among nations which, in fact, are nearly equal in geographical extent, and in physical power. For it is unhappily true in the history of nations, that the justest claims are seldom conceded by such powerful bodies, to equity alone, when they possess force sufficient to violate them with impunity.

The rights which result from the principle of the independence and equality of states suffer no change, on account of their greater or less degree of population, wealth, or territorial extent. Among these rights the most important is that of establishing, or preserving in perfect integrity, their own forms of civil policy, free from the

some operations to the extent of the...
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OF RULE: AND THE...
THE...

These principles... equality of nations... their own political... several jurisdictions... commerce with the... rights of embassies...

The independence of states... and privileges... And this principle... modern states... in fact, are... physical power. For... nations, that the... such powerful bodies... force sufficient...

The rights which result from... dependence and equality of states... count of their greater... or territorial extent... important is that of... integrity, their own form...

government to France, although it was in the most turbulent period of her frenzy, and their ostensible motive was, in part, their own preservation, was most justly reprehensible. And they have since been reaping the fruits of their folly ; having forced her into the career of foreign conquest, of which they themselves have become the victims, instead of leaving her, as they ought to have done, to spend her fury, and the unnatural force of her insanity on her own limbs.

The principles, however, which have been just laid down, do not prohibit one state, in certain circumstances, from yielding succors to another, which is oppressed by its government, or which, on the other hand, is afflicted by a dangerous insurrection. Yet this case requires the most profound consideration, and the most dispassionate circumspection, lest, under the pretence of assisting a nation in her affliction, a faction only should be cherished, or a tyranny protected.

When civil dissensions exist in a state a principle of good neighborhood, and of justice, requires that no aid should be afforded by a foreign power to any party, unless it is clearly known to embrace an undoubted majority of the people, who are organized in such a manner as to afford a reasonable prospect of their being able to maintain their government ; or, unless there is the strongest

national compacts, when once made under the proper authorities, impose duties, and create rights of the most sacred and inviolable nature. They cannot justly be annulled, or altered at the supposed interest, or convenience of one of the parties ; but require, for the purpose of any modification or change, the clear and explicit consent of all who were engaged in the original contract. And if any doubt or uncertainty arise in their interpretation, justice requires that the most fair and obvious exposition be given to their terms ; in which a candid and equitable spirit will derive great assistance from considering the objects originally proposed by the parties to be respectively accomplished by the treaty ; the evils to be corrected, or the advantages to be gained.

In the United States treaties concluded by the President and Senate are made the supreme law of the land. The national judiciary is, consequently, charged with their interpretation, and furnishing the rule for their execution within the jurisdiction of the states. This is a measure fraught with the greatest wisdom and equity ; and peculiarly calculated, as far as depends on the United States, to preserve these important conventional laws from infractions occasioned by ignorance, injustice, or ambition.

It has been made a serious question in the law of nations, whether or not a revolution in the government of

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part of the boundary between two states, it ought to be considered, as far as it extends, as a natural high way, in which, consequently, the navigation should be free, and common to both nations ; unless otherwise restricted, or appropriated by explicit treaty. If a river be divided between the territories of two nations, so that the one incloses its mouth, and the other embraces the heads of the same stream, the dictates of reason evidently require that the navigation of the whole should be equally open to those who inhabit the superior, or the inferior part of the channel, each giving to the other sufficient national pledges for their mutual security, and for the peaceable and friendly use of that liberty.

Another question which has occupied the civilians of Europe with no small degree of zeal for more than a century past, regards the extent of jurisdiction which may be exercised by any state over the open ocean. Some nations, on account of their great maritime superiority, or, on pretence of providing for the safety of their commerce, or their dominions, have advanced claims to pre-eminent control over particular seas. Great-Britain has pushed her demands farther than any other nation ; and, by the haughtiness with which they have been urged, has raised to herself many enemies. The ideas of mankind, on this subject, however, have, for a considerable time, been growing more just and liberal. The ocean is re-

refused to any where it is not likely to be abused or attended with national danger. But when a stranger is admitted into any nation, reason and humanity require that he should be considered by the same act as taken under its protection. His property, as well as his personal safety, is deemed to be under the guardianship of the power and justice of its laws. He still retains the right to dispose of it as he pleases ; or, if he dies within the jurisdiction of that foreign state, a benevolent justice seems to require that it should be preserved under the safeguard of the public authority, and restored to the requisition of the government of his native country.*

It is an obvious principle in this code, in the next place, that, if a stranger in a foreign country enjoys the protection, he is also subject to the control, of its laws. During his residence, it is his duty to demean himself as a good and peaceable citizen, and orderly subject. And if, in any thing, he offends against this rule, he shall be subjected to the penalties of the law, as if he were a native. If there be strong and well supported suspicions of his abusing the privilege of a stranger to any hostile, or unfriendly purpose, such as attempting to excite disaffection

* For a long time these rights were little understood in Europe, and were hardly known in the rest of the world. Even till very late years the *droit d'aubain*, as it was called, remained a stain on the humanity of France.

nations has given rise to a class of men residing near foreign courts as their representatives ; through whom such communications might be made, or propositions received as go to affect the interest of those by whom they are sent.

On this subject the following principles are universally admitted. The ambassador of an independent nation possesses within that country to which he has been received, all the independent rights of the nation which he represents.—His person, of consequence, is sacred, and inviolable—He is not amenable to the civil, or criminal jurisdiction of the state within which he resides.—Yet, if he should so far forget the rights of the nation as to insult its government,—to intrigue with its parties,—to contravene its laws,—or to attempt to foment sedition or insurrection, the government whose displeasure he has incurred may apply to that whose representative he is, with a request that he may be recalled : and it shall be the duty of such state, if it be disposed to preserve the relations of amity and friendship subsisting between them, to recal him.—There are certain cases in which the exigency of affairs may require that he be immediately ordered to quit the territories which he has abused. The public safety may even demand that his person be confined. The government, however, which proceeds to such severe measures, must rely on the justice of the state

LECTURE XXXI.

OF LAWS RELATIVE TO A STATE OF WAR, AND OF NEUTRALITY.

The just causes of war.—Of the time and manner of commencing war.—On the means of carrying on war,—Disturbing the peaceable husbandman in the labors of the field, privateering at sea, confiscating or sequestering debts or property in the public funds, seizing vessels in the harbors at the commencement of a war, iniquitous, and impolitic.—On the method of terminating war.—Of laws relative to a state of neutrality.—Of the commerce of neutral nations.—Of contraband goods.—Of the goods of an enemy nation on board of neutral vessels.—Of the right of search.—Of the principle that free ships should make free goods.—Of the inviolability of neutral territory.—Two questions, 1. Have vessels of war a right to bring their prizes into neutral ports and there expose them to sale? 2. Have neutral nations a right to enter into a commerce with a belligerent, which they did not enjoy in time of peace?

NATIONS are often necessarily engaged in wars, through the pride, jealousy, or ambition of foreign powers. And, not unfrequently, they mistake their own pas-

made by the subjects of another state, and refused to be redressed after proper application made for the purpose by the government of that nation whose citizens have been injured, may be deemed a reasonable cause of war.

If a nation is found arming, and putting itself in a threatening posture of offence, and refuses to desist, or to give an amicable explanation of its conduct to another which has probable grounds for apprehending some meditated aggression on its safety, or its rights, this state of hostile preparation has been held by writers on the law of nations to be a justifiable cause of war.

ON THE TIME AND MANNER OF COMMENCING WAR.

War, which is accompanied by so many calamities to mankind, ought seldom to be undertaken till every pacific measure has been tried in vain to obtain redress of injuries actually received, or satisfaction with regard to those dangers which are justly apprehended. One exception there is to this principle. When sufficient reason has been given to believe that all application will be fruitless to a predetermined enemy; and delay will only be yielding him greater advantages to commence an attack with success, in such case, the injured party may strike his blow whenever he finds it most convenient for himself.

Formerly it was customary to precede hostilities by a public declaration of war, and some nations have accom-

panied this transaction with ceremonies of great formality.* This practice has been growing into disuse among the nations of Europe. And it is now only necessary that each state take the most early means of apprizing its own citizens of the state of hostility in which they are placed. The people of the United States will always be apprized of it by the act which engages the nation in war : for it can be undertaken only in consequence of a solemn decree of Congress. By this wise provision of our constitution, the people are defended in the best possible manner, from the risk of unnecessary wars, which usually spring, either from the mistaken pride and ambition of princes, or the *inconsiderate passions of a heated populace.*

ON THE MEANS OF CARRYING ON WAR.

The means of justifiable hostility and offence, are all weapons of injury, and methods of compulsion and force, which can tend most effectually to weaken and subdue an enemy, and to bring him, at length, to reasonable terms of pacification. Reparation of injuries, and restoration of peace upon equitable terms are the legitimate objects of every just and reasonable war ; and no measures of violence will be permitted by a magnanimous people which

* The Romans sent a herald to the enemy's borders to demand redress ; and, if they did not obtain the satisfaction they expected within thirty days, the herald returned, and hurled a spear into their territory in token of defiance, or as a denunciation of hostility.

do not directly contribute to these ends. Every mean of inspiring terror, or inflicting death in the ardor of battle is allowable in an enemy. But all unnecessary acts of cruelty, such as the use of poisoned weapons, poisoning springs or provisions, refusing quarters to a vanquished enemy, or, after laying down their arms, reducing them to slavery, compelling them to fight against their country, or oppressing them by a rigorous confinement, are as abhorrent from true magnanimity, as from true humanity.

Individuals ought not to be considered as culpable in any war. They are entitled, therefore, when in our power, to all possible lenity, and to the exercise of all the ordinary sympathies of humanity. On the same principles, all devastations committed on the property of unarmed husbandmen, peaceably pursuing the labors of the field, are unwarrantable. This is making war on human nature, not on an enemy. These acts of wanton devastation are not less unwise, than unjust ; by destroying the means of subsistence which, in the end, may become necessary to the destroyers themselves. One exception may be imagined to this rule. When a general has it in his power, by destroying the provisions of a country, to impede the dangerous course of a victorious enemy. Such an action, however, can be justified only on the principle of self-preservation.

restlessness of disposition, and manifests an inclination, as well as possesses the power to disturb her neighbors, extraordinary securities may justly be demanded of her, for her future pacific intentions. On this principle cautionary fortresses within her territory may sometimes be required to be delivered up, to be garrisoned by the troops of the injured nation, or of some friendly and allied power, as a more effectual guard against future and sudden infractions of the present peace.

To the disgrace of human nature, reasonable terms of accommodation are hardly to be expected, except where nations are so nearly equal in strength, either by themselves, or their alliances, that equitable compromise is preferable to prolonged and fruitless contest; or where, on the other hand, they are surrounded by nations who have formed to themselves such a system, and *balance of power*, that they find a common interest in not suffering any one state to acquire too great a superiority over another, and too great a preponderance in the general scale.

We are prone to flatter the age in which we live on its superior advances in wisdom and virtue. But the improvements which have recently been introduced into the law of nations in Europe, and the reason which has presided in the treaties of her different powers, for more

subsisting between the neutral, and the opposite belligerent power;* unless the stipulated supplies go to such extent as, by reasonable construction, to destroy her right to the privileges of neutrality, and render her, in fact, a party in the war.

Van Bynkershoek and Vattel have both proposed a limitation to this principle, maintaining that if a war be manifestly unjust on the part of a nation to which certain succors have been stipulated, the stipulation is, by that circumstance, rendered void. In all other cases they contend for its obligation.—This decision of these eminent writers seems to lay a foundation for a very lax national morality. If it is lawful for a nation to judge of the justice of the cause of another, with whom she has federal engagements, before she is obliged to fulfil them, it were as well they had not been contracted. Where a government has an interest to decline complying with its engagements, it is not difficult to find reasons to justify its refusal. A wise people will always be cautious with

* A late example of this doctrine happened in the war between Russia and Sweden. [A. D. 1788] Denmark was bound by previous treaty to furnish to Russia a certain number of ships and troops. This stipulation she accordingly fulfilled without breaking her friendship with Sweden. Yet such treaties are generally dangerous in the issue, and ought rarely, if ever, to be entered into, except between nations who find it necessary for their common safety to form such reciprocal leagues.

presumed to interrupt a voyage, are made liable for all damages committed in the exercise of this right, and for all losses that shall result from the detention of the merchant.

Not only the goods denominated contraband, but all property of the enemy discovered on board of a neutral vessel, has hitherto, by the law of nations, been made liable to seizure. But this principle has often become the source of so many abuses, and is always attended with so much vexation to the fair trader, that some nations have, with great reason, attempted, in their late treaties, to correct the evil, by making the vessels of the contracting powers, when one may happen to be in the relation of neutrality, at the same time that the other is engaged in war, a sufficient protection to the freight universally. In whatever countries these treaties exist they form so many positive laws, in amendment of what has hitherto been acknowledged as the law of nature and nations on the subject. And happy would it be for the interests of the commercial world, and not unfavorable to the objects of legitimate warfare, if the principle were adopted by all nations that neutral bottoms shall be deemed a sufficient protection to the property which they convey.*

* The celebrated marine ordonnances of France issued 1681, amended in 1694 and 1704, and perfected in 1744, are calculated to ascertain by the best and clearest rules that ever were published, the genuineness of neutral vessels, and their cargoes.

or pursuit; or, as Van Bynkershoek expresses himself, *dum ferret opus*. This is an exception which will be found very dangerous in practice. And the United States have judged better, who have given the cognizance of all captures made within their jurisdiction, to the district courts. But no vessel should be permitted to take refuge in a neutral harbor with the view of making preparations there to renew the contest. And, generally, all military equipments, or naval armaments made by any belligerent powers within the jurisdiction of neutrals, are contrary to the rights of neutrality. If a vessel of war, having suffered damages at sea, has been forced, by stress of weather, into the harbor of a neutral nation, she may be permitted to repair those damages; but must depart without making any other equipment.

A neutral nation may rightfully prohibit all vessels of war entering her harbors, if she conceives the general interests of her peace and safety require it, except when, compelled by the dangers of the sea, they find themselves obliged to take refuge within them for a short, and limited time. If no such prohibition exists, vessels of force, as well as merchant ships belonging to different powers at war may, consistently with the law of nations, use the harbors of a neutral state as an assylum in cases of imminent danger, or as convenient stages of refreshment in long and hazardous voyages. But, in no case shall they

The reader is requested to correct the following errors.

- Vol. 1, page 10, line 1—*divers* for *diversity*.
— page 86, line 3—*officers* for *offices*.
— page 87, line 6—insert *an* before *unsuspecting*.
— page 116, line 16—after *obscurity* insert *among the people*.
— — line 17—after *adhered to* insert *by the priests*.
— page 124, line 15—*external* for *internal*.
— page 132, line 3—*ecstasy* for *excitement*.
— page 166, line 18—after *firmer* insert *hold*.
— page 241, line 1—strike out *As*.
Vol. 2, page 48, line 17—*has* for *have*.
— page 57, note—*Græcos* for *Græcos*.
— — — — — *denique* for *denique*.
— — — — — *ague* for *ague*.
— page 57, line 13—*behold* for *beheld*.
— page 66, line 2 from bottom—*ingenious* for *ingenious*.
— page 77, line 4 from bottom—*capit* for *capit*.
— page 103, line 5 from bottom—*Cherona* for *Cheronea*.



